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HIBERNIÆ LEGES ET INSTITUTIONES  
ANTIQUÆ;  
OR,  
ANCIENT LAWS AND INSTITUTES OF IRELAND.





ANCIENT LAWS  
AND  
INSTITUTES OF IRELAND.

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ON the 19th day of February, 1852, the Rev. James Henthorne Todd, D.D., F.T.C.D., and the Rev. Charles Graves, D.D., F.T.C.D., now Bishop of Limerick, submitted to the Irish Government a proposal for the transcription, translation, and publication of the Ancient Laws and Institutes of Ireland.

On the 11th day of November, 1852, a Commission was issued to the late Right Honorable Francis Blackburne, then Lord Chancellor of Ireland; the late Right Honorable William, Earl of Rosse; the Right Honorable Edwin Richard Wyndham, Earl of Dunraven and Mount-Earl; the Right Honorable James, Lord Talbot de Malahide; the Right Honorable David Richard Pigot, Lord Chief Baron of Her Majesty's Court of Exchequer; the Right Honorable Joseph Napier, then Her Majesty's Attorney-General for Ireland; the Rev. Thomas Romney Robinson, D.D.; the late Rev. James Henthorne Todd, D.D.; the Rev. Charles Graves, D.D.; the late George Petrie, LL.D.; and Major Thomas Aiskew Larcom, now Major-General, Baronet, and Knight Commander of the Bath—appointing them Commissioners to direct, superintend, and carry into effect the transcription and translation of the Ancient Laws of Ireland, and the preparation of the same for publication; and the Commissioners were authorized to select such documents and writings containing the said Ancient Laws, as they should deem it necessary to transcribe and translate; and from time to time to employ fit and proper persons to transcribe and translate the same.

In pursuance of the authority thus intrusted to the Commissioners, they employed the late Dr. O'Donovan and the late Professor O'Curry in transcribing various Law-tracts in the Irish Language, in the Libraries of Trinity College, Dublin, of the Royal Irish Academy, of the British Museum, and in the Bodleian Library at Oxford.

The transcripts\* made by Dr. O'Donovan extend to nine volumes, comprising 2,491 pages in all; and the transcripts\* made by Professor O'Curry are contained in eight volumes, extending to 2,906 pages. Of these transcripts several copies have been taken by the anastatic process. After the transcription of such of the Law-tracts as the Commissioners deemed it necessary to publish, a preliminary translation of almost all the transcripts was made either by Dr. O'Donovan or Professor O'Curry, and some few portions were translated by them both. They did not, however, live to revise and complete their translations.

The preliminary translation executed by Dr. O'Donovan is contained in twelve volumes, and the preliminary translation executed by Professor O'Curry is contained in thirteen volumes.

The Commissioners employed the Rev. T. O'Mahony, Professor of Irish in the University of Dublin, who had with W. Neilson Hancock, LL.D., edited the two volumes of Brehon Laws already published, and A. G. Richey, Deputy Professor of Feudal and English Law in the University of Dublin, as Editors of this, the third volume of the Ancient Laws and Institutes of Ireland.

*The Palace, Limerick,  
January, 1873.*

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\* These transcripts are referred to throughout this volume by the page only, with the initials O'D. and C. respectively.

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ANCIENT LAWS OF IRELAND.

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senchus mor

(CONCLUSION),

BEING THE

corus bescna,

OR

CUSTOMARY LAW.

AND

THE BOOK OF AICILL.

PUBLISHED UNDER THE DIRECTION OF THE COMMISSIONERS FOR PUBLISHING THE ANCIENT  
LAWS AND INSTITUTES OF IRELAND.

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VOL. III.

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DUBLIN:

PRINTED FOR HER MAJESTY'S STATIONERY OFFICE:

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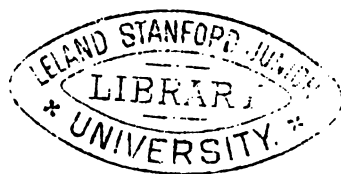
LONDON:

LONGMANS, GREEN, READER, AND DYER.

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1873.





A20735.

DUBLIN, 20th January, 1873.

MY LORD,

Having received instructions from the Commissioners for publishing the Ancient Laws and Institutes of Ireland, to edit the conclusion of the Senchus Mor, and the Book of Aicill, we have, in preparing the text and translation for the press, followed as nearly as possible the plan explained in the prefaces to the two preceding volumes, and have now the honour to submit to the Commissioners, the third volume of the Ancient Laws of Ireland.

We have prefixed a *fac-simile* specimen page of the MS. E. 3. 5, in the Library of Trinity College, from which nearly the whole Irish text of the Book of Aicill has been obtained. *Fac-simile* specimen pages of the MSS. H. 2. 15, and H. 3. 17, in the same Library, which have furnished the text of the Corus Bescna, will be found prefixed to Volume II. of the Ancient Laws of Ireland, published in 1869.

We are, my Lord,

Your Lordship's obedient servants,

THADDEUS O'MAHONY.

ALEXANDER GEORGE RICHEY.

The Right Rev.

The Lord Bishop of LIMERICK,

Secretary to the Commission for Publishing the  
Ancient Laws and Institutes of Ireland.



## GENERAL PREFACE.

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ANY Archaic laws, such as the Brehon Law Tracts published in this volume, may be studied from two different points of view; they may be regarded either as a repertory of archæological information, or be studied solely in relation to the development of legal ideas.

From the incidental references, which every collection of ancient laws must contain, to the organization and daily life of the people among whom it was compiled, many facts may be gathered of the highest authenticity, by the aid of which an insight may be obtained into the forms and customs of societies which have otherwise perished utterly. The value of the evidence as to any early society afforded by its traditions and literature depends upon its being unintentionally and incidentally given. The heroic poem and popular legend display not so much the actual society of the date of the author, as an ideal society; the foundation is real, but the superstructure imaginary, and it is impossible to fix where the former terminates and the latter commences. On the other hand, a law is useless unless adapted to the actual condition of the society to which it is applicable; as soon as it ceases to be suitable, it is either superseded by a new law, or by imperceptible alterations, or legal fictions, reduced into harmony with the more modern condition of things. A customary law reveals in most cases a state of society more Archaic than that in which it prevailed, for except in a purely stationary society, the social change precedes the legal reform. The reports of decided cases, and the fictitious cases invented by the teacher of law for the illustration of legal principles and the instruction of his pupils, exhibit cotemporary society as it actually exists; the object of the reporter or professor is inconsistent with any exercise of imagination.

From the Law Tracts comprised in the present volume

much social and historical information may be derived. From the *Corus Bescna* much, hitherto unknown, may be learned as to the form and rights of the early Irish Church, and the relation of heads of families, or aggregates of joint owners, to the societies under their control. The Book of Aicill is peculiarly rich in information as to the ordinary life and condition of the people.

In that portion of the latter work, named by the compiler "The Exemptions," is contained a large number of real or supposed cases to which the general principles before treated of are applied; in the attempt to treat of all possible cases of legal wrongs, the then existing society is displayed in many and various aspects. An analysis of the contents of this volume, with the object of ascertaining the civilization and manner of life of an ancient Irish Celtic tribe, could not be accomplished within the narrow limits of a preface; such a task must be left to some of those who have made Archaic and semi-civilized societies the special object of their study. It is not attempted by the editors to enter upon so extensive a field of inquiry; they desire to treat the Tracts from the second of the two points of view above referred to, namely, to lay aside all social or historical inquiries, and to endeavour to extract from the generally obscure original text, and the equally obscure and often contradictory commentary annexed, the general principles of jurisprudence which run through the whole, and with much diffidence to offer to their readers the conclusions as to the origin and composition of the works themselves which they have formed as the result of many and careful perusals.

It is useful first to inquire what is the nature of the contents of the two Tracts comprised in the present volume, and other similar Brehon Tracts; should they be correctly described as laws, or a code, or a digest? Upon what principle, and with what object have they been compiled? whether at one time, and by one person, or from time to time, and by many different persons? How far, if at all, is it possible to fix the date of their composition? It is a necessary preliminary to any inquiries of the above character,



out one which is upon such occasions generally disregarded, to ascertain both what the work in question professes and what it does not profess to be. None of the Brehon Tracts are described as the laws of any particular individual, or of any body of individuals, possessed of legislative powers; their names are derived from the more important subjects treated of, or from some locality connected with the composition of the work. The *Corus Bescna* lays no more claim to intrinsic authority than the work of Chitty on Contracts; the Book of *Aicill* acknowledges itself to be merely the collection of the dicta of two persons learned in the law. As in the body of the work, so in its title, the essential idea of law is absent; there is no command given, by one possessing authority, to do or forbear from doing any act; no sanction is declared against those who violate its maxims. It professes only to be a collection of laws existing antecedent to its compilation, a "*Recueil des coutumes*," a reduction into writing of the customs in accordance with which disputes were then arranged; nor are the Tracts merely compilations of pre-existing customs, they are compilations made without authority, and without the name of any specific lawyer being annexed to them.

This peculiarity can scarcely be appreciated without a comparison of them with the title and commencement of other customary codes.

The Welsh laws of *Howel Dda* commence: "Howel the good, seeing the Cymry perverting their laws, summoned to him six men from each *cymwd* in his principality. And with mutual counsel and deliberation the wise men examined the ancient laws; some of which they suffered to continue unaltered, some they amended, others they entirely abrogated; and some new laws they enacted," &c.

So also the secular laws of Alfred commence: "I then, Alfred, King, gathered these together and commanded many of these to be written, which our forefathers held, those which seemed to me good," &c.

As a compilation of existing laws, made by some person or persons who claimed no legislative authority, the Brehon

Tracts cannot rank as Codes, but must be considered merely as Digests, not digests in the use of the term in the civil law, but as in the vulgar English use, indicating merely that in the book in question were written out the accepted decisions upon certain subjects arranged in a sequence alphabetical or otherwise.

The form of the Brehon Tracts, and still more that in which they are necessarily printed, have a tendency to give an incorrect idea as to the mode of their composition. They consist, mostly, of an original text in distinct paragraphs, followed by a glossary and commentary, and present an illusive resemblance to the ordinary English law books, in which the sections of Acts of Parliament are printed with appended explanations and references to decided cases. It is evident that the portions printed in larger type are the subjects of the subsequent commentaries, and that to a great extent they are anterior to the disquisitions appended to them; but it is of importance to consider how far what may be called the original text constitutes in itself a complete work.

The very curious introduction with which the Book of Aicill commences, shows that its author contemplated a continuous compilation of the decisions of the two lawyers referred to therein, and therefore the same subject is frequently carried on uninterrupted through consecutive paragraphs of the text. On the other hand, many of the detached portions of the text not only contain no legal propositions, but consist merely of two or more words not forming even a complete sentence, but serving rather as a key or heading to the subsequent commentary, and having no meaning without reference thereto. This in many cases may be accounted for upon the supposition that the words in question are merely the first words of a traditionary rule, which was perfectly familiar to the compilers as soon as suggested. That such is the case in many instances is proved by the fact, that whilst in some manuscripts the initial words alone appear, in others the rule of which they are the commencement is given in *extenso*.

In many cases this explanation is not admissible, where the commentary itself contains the rules which should have been contained in the text to which it is appended. This is the case in much of that portion of the Book of Aicill which may be described as "The Exemptions." In that portion of the work are considered the circumstances which are to be taken into account in mitigation of the damages payable upon the occasion of an injury or wrong being inflicted. The principles regulating the measure of damages are here exhaustively treated. No abstract rules are laid down, but a series of possible cases is discussed, the different circumstances to be considered are detailed, and the extent is defined to which they should influence the ultimate result. In very few instances does the original text contain more than a statement of the particular injury to be treated of in the commentary; in many of the cases involving substantial questions of probable occurrence, the original text, curt and enigmatic in its expressions, may have been considered of less importance than the elaborate commentary annexed; but in other cases the injury alluded to in the text is of so very trivial, if not improbable a character, that it is incredible that it should have entered into the contemplation of a lawyer dealing with established customs or actual cases. Questions as to injuries caused by animals casting up clods, by a cat stealing food in the kitchen, or by a cat when mousing, cannot be considered subjects for serious discussion, or in relation to which customs should have grown up; they are either mere legal *tours de force*, or questions for mooted among pupils to practise them in the application of general principles.

In a text which professed only to be a collection of separate customs or dicta, loosely connected by reference to an artificial subdivision of the customary law, there was nothing to prevent the introduction of new headings, or further dicta relating more or less to the matter in hand.

As to the commentaries annexed, it is obvious that they are not the work of any one person or of any one time; frequent repetitions with variations occur; statements and

rules inconsistent and contradictory are mingled in one commentary; rules evidently laid down on the authority of known leading cases are followed by a paragraph to show that the precedent referred to should be distinguished. Much of the commentary is confessedly speculative, and does not represent any existing customary law; on its face it bears the appearance of a work which has grown up under the hands of successive generations of lawyers.

A false appearance of editorship is given by the fact that the glossary is appended to the successive portions of the text. It must be recollected that in the original the glosses, as in all mediæval manuscripts, are written into and between the lines of the text, and were introduced by the student who encountered a difficult passage or obsolete word, and had discovered or conjectured its meaning; a process similar to that which goes on at the present day in the Latin or Greek books of schoolboys.

In the case of an epic poem or an historical work it is difficult, without realizing the manner in which literary works were treated by transcribers and compilers in early ages of civilization, to understand how books which profess unity of authorship, and exhibit a unity of design, have been interpolated and altered, and even compounded of different works. In treatises such as those of the Brehon Law, the opposite difficulty arises; their subject, their contents, and their style are alike opposed to any unity of authorship; they are books which were never written, as modern books have been, but have grown into their present form and size through the constant introduction of distinct passages strung on to the original text by successive generations of lawyers.

The form of society in which the Brehon Tracts were composed is exactly that which would produce such a result.

The office of Brehon, by custom hereditary in special families, necessarily caused the customary law in Ireland to be treated in a manner different from that adopted where there was no separate legal profession. Although the brehonship was hereditary in certain families, the



Brehon had no exclusive jurisdiction in any specific district, nor any fixed salary for his services; his position was that of a professional lawyer, consulted by his clients and paid for his opinion. Brehons, who attained great fame as arbitrators, acquired wealth in the exercise of their profession. There were law schools at which the younger Brehons were instructed in their business and educated to act as judges, or rather as jurisconsults, exactly as in the present day young men are brought up for the bar. The natural course of education in any such law school would, in the absence of printed and the scarcity of written books, be primarily the commission to memory of short and pregnant paragraphs embodying the customs of the locality; the test of professional skill would be the application of the custom to imaginary cases. In an hereditary caste of lawyers and more even, in a law school, famous precedents and leading cases would be handed down exactly as in our English reports.

In the present cheapness and abundance of law books we fail to understand how such a system could be carried on, but it was not very different from the mode of instruction which prevailed in the Inns of Court prior to the introduction of printing. If the available library and writing materials of one of the Inns of Court had been confined to one or two volumes, and new legislation had been impossible, the result must have been works very like the Brehon Law Tracts. The contents of the bulky vellum books which have come down from the early Irish monasteries show how a book was used at once for reading, and writing into; every stray manuscript which was available was copied in, as were also all information acquired and facts deemed worthy of record.\* We may imagine a school which possessed few, perhaps but one bulky folio volume, into which were

\* It is this habit of copying in all available documents which gives so high a value to the monastic historians. Their estimate of the comparative value of facts was very different from ours, but they copied *literatim* every bull, proclamation, or Act of Parliament which fell in their way, instead of drawing on their imagination for their facts, and quoting in foot notes authorities which they had never read.



written by the teacher, when writing had become habitual, the Archaic traditional customs that previously had been orally transmitted, the explanations ordinarily given to the law classes, the points mooted by the teacher to test the progress of his pupils, the principles embodied in new leading cases, and the glosses on technical terms as they grew obsolete. All such additions would be introduced indiscriminately into every available portion of the page, of which practice a familiar instance is furnished by the Book of Deir, wherein modern history is written into and through the Gospel of St. Matthew.

If a book so treated be recopied from time to time, the ever accumulating mass of commentary, notes, and glosses, will on each occasion be reduced into the form of consecutive commentary upon the text to which they refer, and each new recension will in its turn be subjected to the same process, which will thus continue as long as the law school in which it had been initiated exists. Ignorant of the great world beyond the sea, and full of the *esprit de corps* of a local yet ancient school, the Brehon must have venerated such a book as more than the work of any author however celebrated. It represented to him the accumulated wisdom of successive generations; the sources of the law lay beyond the horizon of tradition; the master who had taught him, or he himself, had given to it the last touches of subtle elaboration.

If it be once admitted that the Brehon Tracts grew into their present form as here suggested, it is evident that to the works as a whole no particular date can be assigned. In the construction of such a work, two dates only can be fixed, the date of the first reduction into writing of the customs or dicta which formed the original text, and the date of the manuscripts which have come down to us. But even if the former of these dates were satisfactorily ascertained, little progress would be thereby made towards fixing the date of the customs so reduced to writing in the original text.

The phrase "the antiquity of a law" is ambiguous; it may mean, in the case of written laws properly so called, the date

at which any specific command followed by a specific sanction was embodied in a particular enactment. It may also mean the date at which any such specific command followed by a sanction, was given for the first time by the legislative power of the community. The law, in accordance with which murder is now punished with death, was enacted on the 1st of August, 1861, but the law (or rather a law) that murder should be so punished has existed for centuries in England. Many of the Acts of Parliament now existing are merely re-enactments, compilations, or adoptions of laws, which have been in existence for generations.

Every law properly so called must have been introduced at some ascertainable date, although such date may be anterior to the enactment of the law in its present form. The supreme legislative authority in every such case must at some period have laid upon the people *a new obligation before unknown*, to do or forbear some specific act, and annexed to the violation of such command a distinct sanction. The date of such an enactment may be ascertained; but, in speaking of the antiquity of customary law, there is no possibility of ascertaining the date of its introduction. It may be proved that a custom existed as a fact at a specific period, but it is impossible to assert that it was introduced at any specific date. The essence of a customary law is that it has no recognisable commencement; it is obeyed because it is recognised as a necessary condition of the existence of the society. When such a law is reduced to writing and published, there is no command to do or forbear, but a mere declaration that the members of the society, whose customs are so collected, have done or forborne to do such and such things so far as the memory of the oldest and wisest goes back. As to the mode in which customary laws grew up, and why in the case of various tribes of the one stock, their laws varied from each other, there never has been, and we never can obtain, primary evidence. Many of the customs which generally existed and now exist among tribal communities of the Aryan stock, may have existed among their remote ancestors prior to the dispersion of the nations.

The comparison of early customs with each other may prove that certain of them, common to many dispersed tribes, are of an antiquity which we have no means of estimating, but the customs which, on one such comparison, seem abnormal, may on further research be found to exist in other tribes still more remotely severed. Hence to confine our attention to any one collection of customs, and to speculate as to the antiquity of all or any of the rules contained therein, is waste of labour and can lead to no results.

A law or custom may be spoken of as ancient or modern without any reference to the date at which it was in force.

In all nations of the Aryan stock, the social forms of the primitive tribes are very similar; the original social unit is the family existing as joint owners of their property under the absolute government of the paterfamilias; the tribe is formed by an aggregate of families; the nation is an aggregate of tribes, often a union of smaller nationalities. During the whole process, from the date at which the isolated families coalesced into a tribe, down to the formation of nations embracing within their limits men of many tongues and traditions, the forms of social life have been constantly altering, and the law which, whether customary or enacted, is the mere reflection of the habits and wants of the people, has changed coterminously.

In all European nations the social changes have been uniformly in the same direction. Some nations may have proceeded further, others may have moved more slowly than their sister communities; some have been cut off in their very origin, some perished from unhealthily rapid growth; but all have started from the same point, and more or less clearly tended to the same result. The laws of all such nations though infinite in accidental variations follow the regular development of certain general principles of government and property.

A system of law therefore may be spoken of as either ancient or modern in so far as its general principles exhibit a more or less archaic, or a more or less modern form of society. Societies in very dissimilar stages of develop-

ment may dwell side by side ; therefore systems of law of most varying development may exist coterminously ; in a few days we may travel from Vienna to the districts of the frontier regiments, Croatia or Servia ; at Vienna the civil law is altogether modern, at Agram we are amidst archaic house communities.\*

As two systems of law, representing very different points in the course of legal development, may be coterminous, so laws exhibiting the same stage of legal development may be of dates very much removed from each other. An archaic system of law may in point of time be posterior to a very modern system. The early English law, as contained in

\* The original family system common to all the Slavonic nations has been preserved on the Austrian frontier, by having been adopted as the basis of a military organization.

This system, at once remarkable for its archaic character, and present legal existence, illustrates in many points the nature of the Irish Celtic family.

The subjoined description, an extract from the observations of a recent tourist, affords by anticipation to a general reader the information which may enable him to combine many passages in this volume which would otherwise seem disconnected and unintelligible:—

"The system of house-communities was, according to Slav writers, common to all Slavonic tribes, but in modern times it has only survived amongst the South Slavs or Croato-Serbs. For instance, it has long ago disappeared from among their nearest relations—the Slovenians or Wends of Carniola.

"The system of house-communion, stated succinctly, is as follows: The land in the countries and among the class in which it prevailed did not belong to individuals, but was held as a sort of trust in perpetual entail for the benefit of house-communities. A house-communion consisted of a number of individuals united by an actual, or occasionally a fictitious, tie of consanguinity. All the children of members of the house-communion were *ipso facto* co-partners in the property of what we may call the family corporation. As a woman on marrying became at once a member of the house-communion to which her husband belonged, membership in a house-communion descended only through the male line. There were several instances in which men entered the communion to which their wives belonged. This, however, they did, not in virtue of their marriage, but in consequence of their adoption by the communion, which might—in fact often did—happen without any such affinity. Unmarried women belonged, of course, to the house-communities of their fathers, and widows to those of their late husbands. Should a widow having children marry again, the children of her former husband remained in the house-communion in which they were born, while she herself passed into that of her second husband. An adopted member took the surname of the house-communion into which he was received.

"At the head of each house-communion stood the house-father, who alone repre-

the so called Anglo-Saxon codes, is ancient; the law administered in Britain by the Roman magistrate centuries before was comparatively modern, in many respects more modern than the law under which we live.

In marshalling the precedence of the phenomena either of the physical or the social world, priority in development is more important than priority in time. If it be once seen that priority in time is no true test of antiquity, we can realize how the marsupial animals of our own time are in reality more ancient than the extinct *felis speluncæ* or the mammoth, and that the sturgeon of the Caspian, which supplies us with *caviare*, is more archaic than most of the extinct animals of the later strata.

sented it in its dealings with the outer world; for instance, with the government. Whatever may have been the case in former times, the house-father now resembles a constitutional monarch rather than an autocrat, and it is an understood thing that he governs the community, but first consults with all the older and, therefore, more influential members of it. Indeed, for all the more important transactions, such as the sale or mortgage of any portion of the property of the community, the purchase of land, in short, whatever actually affects, or may affect, its pecuniary position, the consent of a majority of the male and female members above the age of eighteen is required. It is generally understood that the house-father is to be the oldest man in the community, who is capable of performing all the duties of the office. Consequently, when a house-father feels that he is getting too old he resigns his position. At present the law directs that the house-father is to be elected by the members of the house-communion and approved by the military authorities. Should, however, the family not be able to agree in the election of the house-father, he is chosen by the committee of the commune or township (*Gemeinde-Ausschuss*). The house-father may be called to account for his administration of the common property, and in case of want of confidence another member of the community may be entrusted with extra keys of the chest and store-room, &c. A house-father may be only eighteen years old, but whatever may be his age he is always exempt from military service.

"Just as a house-communion could acquire land by purchase, so it could also sell portions of its own estate. At the same time it was not allowed to do what it liked with its own in the Military Frontier. All cases of transfer had to be submitted to the military authorities. The military regulations recognised two categories of landed property on the part of a house-communion—firstly, what we may call the hereditary entailed estate belonging to the family, considered by the authorities sufficient to enable it to discharge efficiently its military obligations, and, secondly, what the family had acquired over and above the hereditary estate. The first was, as a rule, inalienable, and only in especial cases could it be burdened to the extent of one-third of its value."—*Fortnightly Review*, No. LXIV., N.S., pp. 372, 373.



The principles generally found in archaic laws faithfully represent the condition of tribes formed by the aggregation of independent families; there is an absence of any legislative and judicial authority, and the idea of the state, is not only unknown but repugnant to their habits of thought. Their laws therefore are merely customary, and their judicial proceedings founded upon a consensual jurisdiction; the conception of crimes has not been formed, and all acts of wrong and violence, however aggravated, are treated as torts or delicts. Property is held in joint ownership either by the family or the tribe, and private ownership is the exception rather than the rule; the power of dealing with property is therefore very limited and testamentary disposition unknown. The paterfamilias, who in respect to property is merely the manager of the joint estate, rules supreme within the limits of the separate lot of his family. Kinship, real or fictitious, not contract, is the bond by which men are bound together, and status is the foundation of their rights among themselves.

In a modern society the opposite principles prevail; the idea of the state has been developed; this abstraction represents the entire body of the nation, which is now equivalent to the inhabitants of a certain district, and the law deals with each individual separately. There is a legislative authority, somewhere placed, which can by its command create laws and annex sanctions to enforce them; there is a power vested by the state in some person or persons to maintain the peace and protect individuals from wrong or violence; an authority exists possessing original jurisdiction and empowered to decide in disputes between individuals within certain local limits; the family union is dissolved, and the state deals with individuals, not with family communities. Individual property is the rule, and joint ownership the exception. The owner of any property has full power to dispose of it *inter vivos* or by will. Associations of individuals for a common purpose, and their rights among themselves, are founded on mutual agreement. There is an ever increasing tendency to make contract, express

or implied, the foundation of all legal rights and the test by which disputes are adjusted. The first step in such a progress is the fusion, more or less complete, of several tribes into one body, and, as a necessary consequence, the establishment of a central authority. This may be effected either by confederation or conquest.

The essential point is that the tribes formerly independent should consciously form one body politic. Absolute power may be exercised by a single sovereign over many isolated tribe communities without producing any change in their social condition, as is the case in India. The existence of a central authority implies the right to command and the power to punish, whence arises the idea of law. The central authority takes upon itself to maintain the peace and prevent private war, and therefore treats acts of violence and wrong as offences against itself; hence arises the idea of a crime as distinguished from a tort. It necessarily assumes the right to determine disputes throughout the district over which its power extends, hence the idea of original as distinguished from consensual jurisdiction. The more completely the central authority assumes judicial functions and promises the redress of wrong, the more must every artificial aggregate, whether the tribe or the family, break up, and the idea of individuality be developed. This progress is accelerated if the tribes forced into a union vary in their customs and traditions, if there be an extensive intercourse with foreigners, and if circumstances be such that individual energy is rewarded by wealth and influence. The change in the law of property, and the introduction of the principle of contract, are the result of the ideas of individuality and personal rights, as distinguished from the family bond and joint ownership.

The more or less archaic nature of a code or collection of laws may be tested if it be examined with reference to the following points :—

- (1.) In what proportion does it contain laws properly so called ?

- (2.) Does it disclose the existence of any central or supreme authority possessing legislative and judicial powers?
- (3.) Are the judicial decisions founded upon an original or a consensual jurisdiction?
- (4.) Has the idea of a crime been developed; and if so, what acts are treated as crimes in contradistinction from the acts regarded merely as torts?
- (5.) What are the powers of the paterfamilias, and what are the rights of the members of a family among themselves?
- (6.) What is the relative proportion between properties held in joint, and in several ownership?
- (7.) What are the powers of disposing of property *inter vivos*, or by will?
- (8.) How far are the rights and duties of individuals treated as flowing from contract rather than status; and how far is the doctrine of contract assumed as the test to decide questions respecting such rights and duties?

The social progress of a nation and the alterations of its law are not necessarily uniform and regular. Under the force of circumstances the changes in society may be introduced at different times and in a varying sequence. Political events, the nature of the country, and the national character accelerate some and delay other innovations. Thus amid legislation of an advanced character may be found fragments of archaic custom to which the nation clings with peculiar tenacity, such as the power of the paterfamilias in the Roman, and the relation of landlord and tenant in our own laws.

In the early English laws and constitution there existed a national sovereignty and original criminal jurisdiction, but the ideas of legislative power and crime were very slowly developed; on the contrary, in the early Roman law the idea of legislative power was so fully grasped, and that of judicial power so little understood, that the criminal juris-



diction arose in the form of a legislative enactment applicable to individual cases.

Satisfactorily to test the archaic character of the Brehon Laws with reference to the points above suggested is at present difficult, if not impossible ; so small a portion of these Law Tracts has been published in an accessible form, and so narrow is the range of legal questions discussed in them. There remain as yet unpublished various Tracts especially adapted to give information as to distinct branches of law, which form the subject only of incidental reference in the *Senchus Mor* or *Book of Aicill*. Hence any opinion as to the existence or absence of any legal principle in these laws must be adopted with the utmost diffidence, and in the confident hope that, if erroneous, the materials necessary for arriving at a correct conclusion may as soon as possible be rendered available.

The inquiry as to the antiquity of the Brehon laws is further rendered more difficult by the form and spirit of the works themselves. The Irish Brehon never attempted to look at the law as a whole, or as it were to regard it from without. Having no legislative power, he was under no moral obligation to improve the law ; and having practically no knowledge of other systems he was not struck by, or rather could not discern, its imperfections. He had no access to the source from which all great legislative reforms have been derived, the observation of the conflicts and contradictions of different codes. The idea of the *jus gentium* could not spring up in an isolated community. This treatment of the Brehon Law was that adopted by English judges and lawyers in reference to the law of real property, aggravated by the fact that there were no urgent calls for reform in the stationary community in which the Brehon lived.

It is the experience of any who have taught a law class of professional students that the great difficulty to overcome is the desire of the students themselves to acquire practical information of immediate value, rather than to learn the general principles from which the rules of daily use are derived ; and therefore if a professor of law has to live by

the fees of his pupils, he is under the constant temptation to sacrifice the higher to the lower instruction, and to train up his hearers as sharp practitioners rather than accomplished jurists.

All the above causes combined to produce the result that in the immense mass of Brehon law, constructed by generations of professional lawyers, there is no inquiry into, or exposition of, the general principles of the law, but only a mass of particular rules and the discussion of cut questions.

The nature of the Brehon Law Books and the condition of the Irish law can be realized by an English lawyer if he imagine his library to consist exclusively of books such as Chitty's Equity Index constructed without the assistance of an alphabetic system. It may be added that inasmuch as the Brehon lawyer never attempted to develop general principles, he never formed a very clear perception of the major premise in his argument; the consequence of which is that the modern reader while perusing a Brehon Law Tract finds himself as it were enveloped in a haze, unable to obtain any general view of the system or to grasp at the general principles which are assumed in the discussion.

At only four periods in early Irish history was there an opportunity for the establishment of legislative authority or the enactment of laws, viz., in the reign of Cormac MacAirt, A.D. 227 to A.D. 266; at the introduction of Christianity; in the reign of Cormac Mac Cuileannan, A.D. 896 to A.D. 903; and in that of Brian Boroimhe, A.D. 1002 to A.D. 1013. There is no reason to believe that any of the kings here mentioned exercised any legislative or judicial authority. To the date of the introduction of Christianity is referred the composition of the *Senchus Mor*, although a considerable portion of its contents, (viz., the rules of ecclesiastical succession in the *Corus Bescna*,) is manifestly later.

The mode of the composition of the *Senchus Mor*, as detailed in the first published volume of the *Ancient Laws and Institutes of Ireland*, shows that all, which was really attributed to St. Patrick, was a compilation of pre-existing laws.

"Dubhthach was ordered to exhibit the judgments and all the poetry of Erin, and every law which prevailed among the men of Erin, through the law of nature, and the law of the seers, and in the judgments of the island of Erin and in the poets."\*

"It was only necessary for them to exhibit from memory what their predecessors had sung, and it was corrected in the presence of Patrick, according to the written law which Patrick brought with him, &c. And they arranged and added to it."†

That the early Christian missionaries attempted to alter the pre-existing law in respect of homicide and failed to do so, may be fairly conjectured from the judgment of Dubhthach in the commencement of the *Senchus Mór*. The facts of the case are worthy of attention. Patrick's charioteer Odhran was slain by Nuada Derg, the son of Niall; the Saint was indignant and miracles and portents ensue. "And the Lord ordered him to lower his hands to obtain judgment for his servant who had been killed, and told him that he would get his choice of the Brehons in Erin; and he consented to this as God had ordered him." Dubhthach Mac ua Lugair, "a vessel full of the grace of the Holy Spirit," and who had been baptized by Patrick, acts as Brehon. The words he addresses to the Saint are very remarkable: "It is irksome to me to be in this cause between God and man; for if I say that this deed is not to be atoned for by eric-fine, it shall be evil for thy honour, and thou wilt not deem it good; and if I say that eric-fine is to be paid and that it is to be avenged, it will not be good in the sight of God; for what thou hast brought with thee into Erin is the judgment of the Gospel, and what it contains is perfect forgiveness of every evil by each neighbour to the other. What was in Erin before thee, was the judgment of the law, i.e., retaliation: a foot for a foot, and an eye for an eye, and life for life."‡

Patrick insisted that a decision should be given, and blessed the Brehon, who thereupon, inspired by the Holy

\* *Senchus Mór*, vol. i., pp. 16-18.

† *Ibid.*, p. 25.

‡ *Ibid.*, pp. 7-9.

Spirit, delivered as his judgment the poem commencing: "It is the strengthening of Paganism," &c.\*

What is laid down in this poem is the principle that death should follow homicide as its punishment, according to the doctrines of the Christian religion.

" The truth of the Lord,  
The testimony of the New Law,  
Warrant that Nuada shall die; I decree it.  
Divine knowledge, it is known, decides  
(To which veneration is due)  
That each man for his crime  
Shall depart unto death.

\* \* \* \* \*  
Let every one die who kills a human being;  
Even the king who seeks a wreath with his hosts,  
Who inflicts red wounds intentionally,  
Of which any person dies;  
Every powerless insignificant person,  
Or noblest of the learned;  
Yea, every living person who inflicts death,  
Whose misdeeds are judged, shall suffer death.

\* \* \* \* \*  
Nuada is adjudged to Heaven,  
And it is not to death he is adjudged.

According to the commentary, Nuada was put to death, and Patrick obtained Heaven for him.

The address of Dubhthach to the Saint speaks of the doctrine of retaliation as having existed in Erin before Patrick, although Patrick had lately arrived; and inasmuch as the revision of the law had not commenced, it would follow that the doctrine of retaliation was still the existing law; but at the commencement of his address the Brehon says that it would be evil for Patrick's honour unless the deed was atoned for by an eric-fine, and having pressed on the Saint the duty of forgiveness as the law of the Gospel, he, under the inspiration of the Spirit, condemns the criminal to death.

That the execution was condemned by public opinion, and excused by native tradition on exceptional grounds, is shown by the commentary. "But there is forgiveness in that sentence, and there is *also* retaliation. At this day we keep between forgiveness and retaliation, for as at present no one

\* *Senchus Mór*, vol. i., pp. 9-11.

has the power of bestowing Heaven, as Patrick had that day, so no one is put to death for his intentional crimes as long as eric-fine is obtained."\*

It may be concluded that by the early Christian party an attempt (of course attributed to St. Patrick) was made to inflict capital punishment upon the homicide, and that this innovation was rejected by the nation, and subsequently excused by the Christians on the ground that the criminal passed by the intervention of the Saint directly to Heaven. The Brehons were aware that the eric-fine was invented to put an end to retaliations, and, it being remembered that the introduction of Christianity was connected with some new principle as to homicide, they attributed to the softening influence of the Gospel the custom against which the converted Brehon, under the influence of the Holy Spirit, had protested. The eric-fine must have appeared as anomalous an institution to a Roman of the fifth century as it did to an Englishman of the sixteenth, and the establishment of a criminal tribunal of original jurisdiction would be one of the first steps taken towards the introduction of a higher civilization. The failure to introduce so primary a reform illustrates the difficulties encountered by the early Christian missionaries in their effort to introduce into Ireland Christianity and Roman civilization conjointly, and explains why they Celticised their church organization instead of reforming society by the introduction of Roman law.

The progress of society depends not so much on the establishment of a code of law by the single act of a great man as on the existence of permanent legislative and judicial authorities, by which the laws necessary to meet the new conditions of society are from time to time enacted and enforced. The total absence of such institutions is the most remarkable point in the Brehon law.

\* *Senchus Mór*, vol. i., p. 15. It may be conjectured that St. Patrick baptized Nuada; as in a very similar case the chaplain of Pizarro, Fra Valverde, having confirmed the sentence and signed the death warrant, baptized the Peruvian Inca, Atahualpa, immediately before his execution.



In the *Corus Bescna* there is a statement of the reciprocal duties of the chief and the tribe, but the only reference to any authority exercised by the chief is the proclamations by him of the *Cairde-Law*. The different grades of chiefs do not appear to have any hierarchic connexion among themselves; their relation is rather with their tenants than with the tribemen; the 'daer'-stock and 'fuidhir'-tenants were of little more account than the feudal villains, and it is as between these and their chief rather than between the chief and the freemen of a tribe that the rules of that tract are laid down.

The *Corus Flatha-Law*, we are informed, embraced the relation of the chief to those who had chosen to hold under him by 'daer'-stock tenure; in which number would be included the 'fuidhir'-tenants, whose position, while they continued tenants, was the same as that of the 'daer'-stock tenants; it dealt with the banquets given by the tenant to the lord; the manual labour they were bound to furnish; the proclamations of *Cain-Law*, *Cairde-Law*, and hostings, to be made by the chief to his tenants; the aid the latter gave to redeem the pledges of their lord; "regulations and good morals."

That the idea of a popular assembly was not unknown appears from the *Corus Bescna* speaking of the forces of a territory being assembled to make goodly *Cairde-Law* for the territory, and apparently also *Cain-Law*, and to answer the claims of "those outside." There is however no reference to anything done or ordained by such assembly. The position of the chiefs towards the people may have changed in the interval of time between the text and the commentary.

In the *Corus Bescna* the chiefs are thus spoken of, "they remove foul weather by their good customs of 'cain' law and right, of good 'bescna' and 'cairde'-law." This passage expresses the very archaic idea that the moral order of the tribe and the observance of ancient customs, under the presidency of the chiefs, were followed by calm weather and fruitful seasons.\* The commentator, mistaking the idea of the original, glosses the passage thus—"They put down or remove their over charges. It was fair weather for the people when the chiefs

\* *Vide Transactions of the Gaelic Society.* Dublin, 1809.

did not overburden them with illegal charges." What the legal position of an Irish chief to the tribe was; what powers he exercised, and over whom; are questions to which the Brehon code has as yet given no definite information; and we remain equally ignorant of what powers were exercised by the assembly of the forces of a territory. We are unable to grasp clearly what was the social organization of an Irish tribe, and often are doubtful whether it had any definite system of action. It is not improbable that the condition of the Gauls in the first century before our era foreshadowed that of the Irish five centuries after.\* The condition of an Irish tribe in so far as it lacked legislative and judicial authority, was ancient, but its political form, as that of its kindred on the Continent, tended to differ from that of the archaic tribe communities of other nations of the Aryan stock. "The feeling of citizenship . . . had little power of spontaneous development among any race of Celtic origin; the natural ties which held society together among the Gauls were rather personal than civil."† Popular assemblies dealing with public affairs existed among the Gauls in the time of Cæsar, and took, as in the case of the Helvetii, cognizance of crimes against the state, but they were incapable of asserting their rights against a chief supported by a numerous personal following. The Celtic national tendency was developed still further in Ireland when the original tribe assembly was altogether superseded by the retainers of the chief. On the other hand, the Scandinavian and Teutonic nations retained and developed the public meetings of the original tribe. To the retention or loss of this essential element of an autonomous tribe community, the difference of the fortunes of the Celtic and Teutonic races is mainly referable.

Under the two first points of view above suggested, the

\* The assembly of the forces of a territory could have little power over a chief supported by his 'daer'-stock and 'fuidhir'-tenants. "Die constitutâ causæ dictionis Orgetorix ad iudicium omnem suam familiam, ad hominum decem millia, undique coegit; et omnes clientes obœratosque suos, quorum magnum numerum habebat, eodem conduxit; per eos ne causam diceret, se eripuit."—Cæs. B. G., lib. 1, c. 4.

† Merivale, R. H., vol. 1, p. 255.

archaic character of the Brehon law lies rather in the absence of modern ideas than in the preservation of early forms; and it is curious rather as displaying the disintegrating tendencies of the Celtic character than as preserving institutions of great antiquity.

The nature of the jurisdiction upon which the decisions of the Brehons were founded, and the extent to which the idea of crime was, or rather was not, developed, are discussed at length in the subsequent introduction to the Book of Aicill. It may be here observed, in anticipation of the subsequent treatment of the subject, that the modern ideas of original jurisdiction and crime are wholly absent from the Brehon code. By the term "crime" or "criminal" there is no reference whatsoever made to the moral or immoral nature of an act; a sin is the violation of the moral code; a crime is a violation of the established law of the community—a disobeying of a command given by the state to its members. Many acts are gross sins which are not crimes, and acts of the highest virtue may be criminal in the legal sense.

Although the principles of the Brehon law as to jurisdiction and crime are thoroughly archaic, the mode in which they are elaborated is of a very different character. This is evident upon a comparison with the corresponding portions of other early codes. In the latter we meet with merely short sentences, attaching certain compensations to definite injuries. There are no fine-drawn distinctions, and there is an absence of all subtlety and elaboration. In the Irish laws, on the other hand, as the necessary consequence of the existence of an hereditary law caste, there is an over-refinement of the most modern character. The basis is archaic, but the mode in which it is treated is of a very different nature. This branch of the law appears to be rather an abnormal development than a healthy growth, and finds no representative in other systems of early law.

The idea of separate property, as distinguished from that which belonged to the family as an aggregate body, was quite familiar to the Brehon code. The law in this respect is not more archaic than that which existed in England in



the 12th century. The power of disposing of property which belonged to an individual in severalty was apparently unlimited, and there are incidental allusions in the *Corus Bescna* to a disposition by will. The mode in which the Brehon code treated questions relative to the disposition of property, is not such as might be anticipated in a collection of very ancient customs. In archaic systems, such as the early Roman law, so far as they deal with the disposition of property, the most striking peculiarity is that the rights to property depend upon certain prescribed acts, which constitute the conveyance of the subject matter. The performance of the appropriate ceremony carried the property, and was not considered as the evidence merely of the fact that a contract had been entered into in respect of the subject-matter. This principle is so well known in Roman law that it is unnecessary to cite any instances therefrom; and it was equally prevalent in our early English real property law. The act of the delivery of seizin carried the freehold to the feoffee, even when performed by a person who had no legal right to dispose of the land. Even in our own day, in the common law courts, the grantor in a deed, to which he has affixed his seal, cannot go behind the deed into the real facts of the transaction. In the *Corus Bescna* this well known archaic form of law is absent. The rules deal with the *contract* between the parties, not with the *formalities* by which the property is transferred. From the contract to sell arise reciprocal legal rights and obligations. The contract may be invalidated by fraud, suppression, want of sufficient authority, &c. There is no reference to any ceremony by which the transfer is effected; all the principles are those of a court of equity, though hampered by certain technical and peculiar rules. We have not, in any portion of the Brehon laws yet published, any statement of the forms and ceremonies used upon the occasion of a conveyance of land, but it does not seem to have been more formal than that of movable property. Than this portion of the law nothing can be less archaic, and here, if anywhere, are the traces of the rules of the civil law to be sought for. Translations of

maxims of the civil law and at least one allusion to a Roman lawyer prove that the more educated Irish were not wholly ignorant of the Roman law. To any other source it is impossible to refer the idea of the right of testamentary disposition, and the more so as it is found chiefly in connexion with the transfer of property to the Church.

It is to be remarked that there are no rules in the *Corus Bescna* as to the rights of the members of the familia *inter sese*, although the rights of the aggregate body as against its head are distinctly laid down; the system of 'geilfine' organization, so anomalous in its character, as explained in the Book of Aicill, may in itself be a proof of the looseness of the family bond. The Celtic national character may have tended to dissolve the family community, as it undoubtedly broke up the tribal. Any doubt, however, as to the original form of the family is removed by the remarkable section which concludes the Book of Aicill, in which the community of the family property and the rights of the aggregate body to the service of each of its members are most clearly apparent.

In all laws except those of a very modern character the rights arising from status much outnumber those founded on contract, and it is therefore very remarkable how large a portion of the present volume treats of contract. The Book of Aicill contains all the principles of the law relative to the hiring of chattels, and of the law of partnerships. It also clearly lays down the principle that the relation of landlord and tenant is a matter of contract, and that in the absence of an express agreement an implied one is presumed to exist between the parties. Than these portions of the law nothing can be less archaic. A very remarkable instance of the anticipation of the present principles of law is the clearness with which the doctrine of contributory negligence on the part of the party injured, and of notice to the injured party of any defect in the instrument which was the cause of the injury, are worked out and illustrated. In these and other similar points the modern turn of thought of the early Irish lawyer is remarkable.

The branches of law, improvement in which is most

essential for the progress of society, are those in which the Brehon law is either wholly defective, or continued archaic; on the other hand many doctrines which generally make their appearance only in a very advanced stage of society are fully elaborated. The idea of murder was very familiar to the popular English mind long before the Judges discussed the question of contributory negligence. Lord Holt was obliged to have recourse for the law of bailments to the civil code, centuries after the establishment of Parliament and the organization of the law courts. Brehons, on the other hand, who had no conception of a law or a crime discussed questions of partnership, and worked out the application of the law of agency, in a very complete manner. This strange mixture of the ancient and the modern, the less civilized and the more civilized mode of thought, must at once strike the reader on a perusal of these laws, which exhibit in an unusual degree an unevenness and irregularity of development.

The mode in which the Brehon law acquired its peculiar character, whereby archaic and modern ideas of jurisprudence appear together in the same law book, in such fashion that the modern does not supplant the ancient but is built upon it and develops it, can be understood when the action of an hereditary law caste is recognised.

We are informed in the *Senchus Mor* that originally the judicature belonged to the poets alone, "until the contention which took place at Emhain Macha between the two sages, viz., Ferceirtne, the poet, and Neidhe, son of Adhna, son of Uither, for the sage's gown which Adhna son of Uither had possessed. Obscure indeed was the language which the poets spoke in that disputation, and it was not plain to the chieftains what judgment they had passed."\* It would appear from this that the customs were originally contained in rhythmical composition traditionally handed down through successive generations, and that in the lapse of time and alteration of language, these compositions had become as unintelligible to the laity, and probably to the bards them-

\* *Senchus Mór*, vol. i., p. 19.

selves, as the songs of Numa to the Roman of the days of Augustus.\* "These men," said the chieftains, "have their judgments and their knowledge to themselves. We do not, in the first place, understand what they say." "It is evidently the case," said Conchobhar; "all shall partake in it from this day forth, but the part of it which is fit for these *poets* shall not be taken from them; each shall have his share of it."† Some reform was introduced at this date, the particulars of which it is not easy to collect, but it is clear that thenceforth the bards ceased to be the depositories of the ancient custom, and the Brehon caste was established as an independent class exclusively devoted to the maintenance of the customary law in a traditional form. "Until Patrick came, only three *classes* of persons were permitted to speak in public in Erin, *viz.*, a Chronicler, &c.; a Bard, &c.; a Brehon to pass sentence from the precedents and commentaries."‡ The introduction of the word "commentaries" here expresses only the ideas of the author of the *Senchus Mor*. The necessary consequence of establishing a special hereditary legal caste would be, in an early state of society, to give a greater certainty to the application of the customs to particular cases through the influence of traditional precedents, but at the same time to involve the original customs in a technical terminology. The decision in a case might be intelligible and uniform, but the mode in which it was arrived at would be a professional mystery. The bards stated what was the law, and the chiefs acted on the law laid down by them, until it became unintelligible; the Brehon both laid down and applied the law, and people never inquired what was the law which he so applied. The early Brehon, possessing in his own breast the whole law, assumed a mysterious character and was treated as an inspired or *quasi* divine personage. "When the Brehons deviated from the truth of nature, there appeared blotches upon their cheeks; as first

\* "Jam Saliare Numæ carmen qui laudat, et illud,  
Quod mecum ignorat, solus vult scire videri."

Hor. Ep. 2, l. 86.

† *Senchus Mór*, vol. i., p. 19.

‡ *Ibid.*, vol. i., p. 19.

of all on the right cheek of Sen MacAige, whenever he pronounced a false judgment, but they disappeared again when he had passed a true judgment, &c. Connla never passed a false judgment, through the grace of the Holy Ghost, which was upon him. Sencha Mac Col Cluin was not wont to pass judgment until he had pondered upon it in his breast the night before. When Fachtna, his son, had passed a false judgment, if in the time of fruit, all the fruit of the territory in which it happened fell off in one night, &c.; if in time of milk, the cows refused their calves; but if he passed a true judgment, the fruit was perfect on the trees; hence he received the name of Fachtna Tulbrethach. Sencha MacAililla never pronounced a false judgment without getting three permanent blotches on his face for each judgment. Fithel had the truth of nature, so that he pronounced no false judgment. Morann never pronounced a judgment without having a chain round his neck. When he pronounced a false judgment the chain tightened round his neck. If he passed a true one, it expanded down upon him."\*

The effect of the establishment of an hereditary law caste was to hand over to certain distinct families the absolute determination of what was the custom, the knowledge of which they retained in their own hands exclusively, assuming the character of inspired legal prophets. Such a system could be overthrown only by a revolution, similar to that which had deprived the bards of their monopoly; but such a movement can only arise when the practical working of an institution becomes intolerable, a result which the professional position of the Brehons rendered improbable. It was their interest to give substantially just decisions in accordance with popular ideas of right and wrong, however mysterious were the means by which they arrived at them. No social causes existed which could lead to an inquiry as to the soundness of their general principles. There was not any extensive intercourse with foreign nations, nor was there any permanent settlement in Ireland of tribes possessing a different customary law. There was not even sufficient internal traffic to create a market law, in contradistinction

\* *Senchus Mór*, vol. i., p. 25.



from the immemorial custom.\* So far the law administered by the Brehons would be simply the custom rendered mysterious and embarrassed by technicalities. But a further and peculiar element is introduced by the schools of law. The instruction in these schools, as far as we can judge from the Brehon law books, consisted in the acquisition of the customary rules, and the dexterous application of them to particular cases. The law of compensation involved in every case the consideration of the circumstances which mitigated or increased the amount to be awarded, and in some cases, when the injury was done to joint proprietors, the consideration also of the shares in the award to which they were respectively entitled. All the questions which now arise as to the amount of damages to be awarded in actions, either of tort or contract, must have been familiar to the students of such a school, and very many questions as to contracts must have occurred. The principles of all laws upon such subjects take their rise from a few simple ethical propositions; and if we admit a certain knowledge of the civil law, it may be perceived that such a system of legal instruction would lead the pupils to an acquaintance with legal principles far beyond the state of the society in which they lived. Thus in a Brehon law school the most archaic and modern ideas could coexist without mutual

\* "The market was the space of neutral ground in which, under the ancient constitution of society, the members of the different autonomous proprietary groups met in safety, and bought and sold unshackled by customary rule. Here, it seems to me, the notion of a man's right to get the best price for his wares took its rise, and hence it spread over the world. Market law, I should here observe, has had a great fortune in legal history. The *jus gentium* of the Romans, though doubtless intended in part to adjust the relations of Roman citizens to a subject population, grew also in part out of commercial exigencies, and the Roman *jus gentium* was gradually sublimated into a moral theory, which among theories not laying claim to religious sanction, had no rival in the world till the ethical doctrines of Bentham made their appearance. If, however, I could venture to detain you with a discussion on technical law, I could easily prove that Market law has long exercised and still exercises a dissolving and transforming influence over the very class of rules which are profoundly modifying the more rigid and archaic branches of jurisprudence. The law of Personal or Movable Property tends to absorb the law of Land or Immovable Property, but the law of Movable Property tends steadily to assimilate itself to the Law of the Market."—MAINE, *Village Communities*, p. 198.

destruction. The latter would be discussed as determining the mode of the application of the former. No power existed capable of enacting new laws, and the conservative feeling of an hereditary caste would be opposed to such an idea; but without in any degree assailing the fixed principles of the ancient custom, the disputatious energy, so peculiar to the Scoti, had free scope in considering how such principles should be applied under every varying combination of circumstances.

Any social change, which could have rendered the old customs impossible, would have given to the advanced principles of law familiar to the Brehon an opportunity of rapid development; but the convulsions to which Ireland was subject did not tend to develope its social state, but rather to destroy the whole organization of society, without substituting for it any positive system. A constant state of war obliterates legal rights, and changes the chief of a tribe community into the head of a body of personal retainers. The description of the chief of the M'Guires, given by Sir John Davis, was applicable to Irish chiefs for centuries previous. "Besides these mensal lands, M'Guire had two hundred and forty beeves or thereabouts yearly paid unto him, out of the seven baronies, and about his castle at Inniskillen, he had almost a ballibetagh of land which he manured with his own churles. And this was M'Guire's whole estate in certainty, for in right he had no more, and in time of peace he did exact no more (*i.e.*, than the customary payments); marry, in time of war he made himself master of all, cutting what he listed, and imposing so many bonaghts, or hired soldiers, upon them as he had occasion to use. For albeit Hugh M'Guire, who was slain in Munster, were indeed a valiant rebel, and the stoutest that ever was of his name, notwithstanding generally the natives of the country are reputed the worst swordsmen of the north, being rather inclined to be scholars or husbandmen than to be kerne, or men of action, as they term rebels in this kingdom; and for this cause M'Guire in the late wars did hire and wage the greatest part of his soldiers out of

Connaught, and out of Breny O'Reillye, and made his own countrymen feed them."\*

As the rapid increase of wealth by commercial relations with foreign countries, or the establishment of a strong national sovereignty, might have developed into a practical code adapted to an advancing society, the speculative legal ideas which the Brehon law contained, so the continued disorders of the country, destroying the idea of customary rights, diminished the prestige of the Brehon, and reduced him from his position as the oracular exponent of right, to that of a mere register of the local customs of the sept, which customs themselves shrunk into little more than the regular applotment upon the tenants of the dues claimed by the chief. The nature of the law professed by one of the last Brehons is clearly shown in the pitiable narrative of Sir John Davis contained in the letter above referred to.† "Touching the certainties of the duties and provisions yielded unto M'Guire out of these mensal lands, they referred themselves to an old parchment roll, which they called an indenture, remaining in the hands of one O'Brislan, a chronicler and principal Brehon of that country; whereupon O'Brislan was sent for, who lived not far from the camp, who was so aged and decrepid as he was scarce able to repair unto us; when he was come, we demanded of him a sight of that ancient roll, wherein, as we were informed, not only the certainty of M'Guire's mensal duties did appear, but also the particular rents and other service which was answerable to M'Guire out of every part of the country. The old man, seeming to be much troubled with this demand, made answer that he had such a roll in his keeping before the wars, but that in the late rebellion it was burned among others of his papers and books by certain English soldiers. We were told by some that were present that this was not true; for they affirmed that they had seen the roll in his hands since the wars. Thereupon, my Lord Chancellor being then present with us (for he did not accompany my Lord Deputy to Ballyshannon, but staid behind in the camp), did minister

\* Vallancey, Col. Hib., vol. i., p. 161.

† *Ib.*, p. 159.



an oath unto him, and gave him a very serious charge to inform us truly of what was become of the roll. The poor old man, fetching a deep sigh, confessed that he knew where the roll was, but that it was dearer to him than his life, and therefore he would never deliver it out of his hands unless my Lord Chancellor would take the like oath that the roll should be restored to him again. My Lord Chancellor, smiling, gave him his hand and his word that he should have the roll redelivered unto him, if he would suffer us to take a view and copy thereof. And thereupon the old Brehon drew the roll out of his bosom, where he did continually bear it about him. It was not very large, but it was written on both sides in a fair Irish character; howbeit some part of the writing was worn and defaced with time and ill-keeping. We caused it forthwith to be translated into English, and then we perceived how many vessels of butter, and how many measures of meal, and how many porks, and other such gross duties did arise unto M'Guire out of his mensal lands."

The decline of the Brehon from his position as an almost oracular expounder of right to that of a mere recorder of local customs is shown by the contrast between Dubhthach Mac Ua Lugair "a vessel full of the grace of the Holy Ghost" and O'Brislan, who prized as a treasure the rent roll of a petty chief.

The system of Brehon law has been at once unduly depreciated and extravagantly praised.

The English officials employed in the settlement of Ireland desired, as a material guarantee against rebellion, to vest large districts in the grantees of the Crown; whose estates held upon English tenures would be subject to forfeiture for treason. It was anticipated that thus there could be created a class of large proprietors bound by their own interests to support the English Government and enforce English law and customs among the occupiers of the land. An hereditary class of proprietors, whose rights conflicted with the first principles of a tribal community would be forced to abandon their claims to chieftainries, the existence of which was incom-

patible with the lineal transmission of their estates. The mass of the population however, always rejected the foreign ideas of tenure and primogeniture, and under the pressure of local public opinion the royal grantee relapsed into the position of a tribal chief. The constant failure to establish a system of tenure which the English executive regarded as at once an advance in civilization and necessary for the extension of their influence, rendered them most hostile to the customs of the natives, which so often caused their best-intentioned designs to miscarry. The partition of the land among all the members of a family or clan constantly rendered the royal grants unfruitful of the results anticipated; and the well-founded rule, to which the occupants of land tenaciously clung, that the land belonged to the tribe and not to the chief, who during his term of office held certain lands and rights *virtute officii* merely, prevented the descendants of the original grantees from acquiring a permanent and transmissible estate in the lands.

Sir John Davis and other English statesmen regarding the Brehon law from this point of view, considered it to be the most formidable obstacle to the introduction of civilization and order; it was in their opinion a law which tended to the destruction of the commonwealth. Brehon law was thus summarily condemned with reference not to its actual principles but to political difficulties attributed to it at a time when its exercise had almost ceased. Before the introduction of historical criticism archaic laws were judged only with reference to their practical application to existing circumstances; it was not then imagined that such antiquated systems were the great repertories of the facts of early history.

Native Irish writers, on the other hand, like all historians of unfortunate nationalities, have imagined the existence of an age of gold, interrupted and destroyed by the disasters to which their country was subjected. The code of law so hated by the English officials of the 17th century, and so universally suppressed, has been imagined to have been the system under which the heroic age of the Celtic people en-

joyed a legendary prosperity. To it have been therefore attributed principles of equity, which neither existed nor could have existed in it or any similar system.

It is possible for us at the present time, regarding the Brehon law from neither a political nor a patriotic stand point, to estimate its intrinsic and historical value.

It cannot be denied that the Brehon code, as administered and elaborated, was an obstacle to any considerable social progress. The existence of an hereditary legal caste withdrew the laws from the criticism of public opinion, and prevented the establishment of that legislative and judicial authority which is the first step in national progress. Its fundamental principles were those common to all early societies, and of which the abandonment is essential to an advancing civilization. Upon these was built an enormous edifice of logical and technical deductions, which must have rendered the principles whereby any case was decided unintelligible to the parties. The basis and the superstructure were so combined that the, often very advanced, views contained in the latter must have failed to take effect upon the general condition of society; the learning of the Brehons became thus as useless to the public as the most fantastic discussions of the schoolmen, and the whole system crystallized into a form which rendered social progress impossible. The Brehon system in its full development resembled the English law of real property at the commencement of this century, with the aggravation that no Parliament existed capable of taking in hand the question of legal reform.

The student of legal antiquities will not find the Brehon law as fruitful a source of information as might at first be anticipated. The Celtic nations did not retain the ancient tribe system with the tenacity exhibited by their Teutonic and still more by their Slavonic brethren. Their preference for personal and social rather than for civil and legal relations soon, alike in Gaul and Ireland, deprived their village communities of their most essential characteristics, and prevented their progress to a higher form of polity. However ancient in point of time may be the original text, it is in many

respects less archaic than the early Teutonic codes and the customs of village communities at present existing in Slavonic countries. The commentaries contain, embedded as it were in them, certain fragments of archaic custom often as old if not older than the text, but are in general remarkable merely as exhibitions of logical skill. In the two tracts published in the present volume the subjects are not treated in a manner sufficiently exhaustive to enable a reader to understand the practical working of the system. It is impossible to learn from the Book of Aicill who would be the plaintiffs in any proceeding arising from an homicide, or who, in the default of the criminal, would be subject to liability as being his kinsmen. Statements upon such points were probably unnecessary for the students of the period, to whom they were perfectly familiar, but their omission must frequently render the perusal of the Brehon law tracts disappointing to the modern reader, who desires to acquire definite information.

The great value of the Brehon law lies in the immense collection of facts relative to the daily life, occupations, and habits of the people, contained in it. The very defect of the system, the tendency to consider individual cases rather than general principles, forced the compilers incidentally to describe almost every form of society, especially that ordinarily most neglected, the daily life of the common people. It may be asserted, without fear of contradiction, that from these laws there may be obtained so numerous a collection of notices of ordinary life that an idea of the social condition of an early Irish community may be obtained as clear, if not clearer, than that which we possess of Continental or English society in the middle ages; and it is to be earnestly desired that this as yet unworked mine of information may soon find an historian possessing the industry and learning requisite to turn it to account.\*

\* When the preceding Introduction was already in press, the article of Mons. Laveleye, entitled "Les Formes Primitives de la Propriété," appeared in the *Revue des Deux Mondes*. The extreme resemblance between portions of that essay and the preceding Introduction is therefore wholly accidental. The editors are

naturally gratified to find the views contained in the preceding Introduction supported by the high authority of Mons. Laveleye. They refer particularly to the following passage:—

“La philologie et la mythologie doivent les merveilleuses découvertes, qu’elles ont faites récemment, à l’emploi de la méthode des études historiques comparées. M. Maine pense que cette même méthode, appliquée aux origines du droit, pourrait éclairer d’un jour tout nouveau les phases primitives du développement de la civilisation ; on verrait clairement que les lois sont, non le produit arbitraire des volontés humaines, mais le résultat de certaines nécessités économiques d’une part et de l’autre de certaines idées de justice dérivant du sentiment moral et religieux. Ces nécessités, ces idées, ces sentimens, ont été très semblables et ont agi de la même façon sur les sociétés, à une certaine époque de leur développement, en y présidant à l’établissement d’institutions partout les mêmes. Seulement toutes les races n’ont marché du même pas. Tandis que les unes sont déjà sorties de la communauté primitive au début des temps historiques, d’autres continuent à pratiquer de nos jours un régime qui appartient à l’enfance de la civilisation. Dès les premiers temps de leur annales, les Grecs et les Romains connaissent la propriété privée de la terre, et les traces de l’antique communauté du clan sont déjà si effacées qu’il faut une étude attentive pour les retrouver. Les Slaves au contraire n’ont point renoncé au régime collectif. La géologie nous apprend aussi que certains continents ont conservé une flore et une faune qui déjà ailleurs ont disparu depuis longtemps. C’est ainsi, dit-on, qu’en Australie on trouve des plantes et des animaux, qui appartiennent aux âges antérieurs du développement géologique de notre planète. C’est dans des cas semblables que la méthode des études comparées peut rendre de grands services. Si certaines institutions des temps primitives se sont perpétuées jusqu’à nos jours chez quelques peuples, c’est là qu’il faut aller les surprendre sur le vif, afin de mieux comprendre un état de la civilisation qui ailleurs se perd dans la nuit des temps. J’essaierai d’abord de faire connaître le régime des communautés de village tel qu’il existe encore aujourd’hui en Russie et à Java. Je montrerai ensuite que ce régime a été en vigueur dans l’ancienne Germanie et chez la plupart des peuples connus. J’étudierai enfin les communautés de famille si répandues en Europe au moyen âge, et dont le type s’est conservé jusque sous nos yeux chez les Slaves méridionaux de l’Autriche et de la Turquie.”—*“Les Formes Primitives de la Propriété.”—Revue des Deux Mondes*, tom. 100<sup>me</sup>, f. 138–139.

With this may be compared the following passage in M<sup>r</sup> Lennan—*Primitive Marriage*:—“For the features of primitive life we must look, not to the tribes of the Kirghiz type, but to those of Central Africa, the wilds of America, the hills of India, and the Islands of the Pacific ; with some of whom we find marriage laws unknown, the family system undeveloped, and even the only acknowledged blood-relationship that through the mothers. These facts of to-day are, in a sense, the most ancient history. In the sciences of law and society, old means not old in chronology, but in structure ; that is most archaic which lies nearest to the beginning of human progress, considered as a development, and that is most modern which is furthest removed from that beginning,” p. 8.



INTRODUCTION TO PART III. OF THE SENCHUS MÓR  
KNOWN AS "THE CORUS BESCNA."

THE subject of the tract entitled the Corus Bescna is the law relative to obligations, or the rights *inter sese* existing between the members of the same community, in reference to the enjoyment and transmission of property.

The subject is naturally divided into two heads—obligations created by express contract or incident to an actual contract (*e contractu*), and obligations incident to the social position of the parties independent of any actual agreement between them (*e statu*), but which, although really distinct from obligations *e contractu*, are in most systems of law coupled with them as referable to some supposed antecedent, but in truth non-existent, agreement between the parties.

There is no attempt made to treat either branch of the subject exhaustively. Under the first head the only express contract referred to is that of the sale and purchase of chattels; there is no reference to contracts for the sale or leasing of lands, hiring for temporary use, pledging, &c. Under the second head there are rules as to the reciprocal rights of the chief and tribe, the Church and the people, the head of the family and its members; but those flowing from the relation of husband and wife, and many others which may at once occur to the reader, are altogether omitted.\*

The mode in which the subject of express contracts is dealt with is singularly illustrative of the manner in which the Brehon Law Tracts have been compiled. The original text, which is perfectly clear and consistent, is almost altogether confined to the question of the competency of various classes of persons to enter into contracts of sale; and the validity or invalidity of the contract is viewed with reference to the power of the contracting parties to enter into the contract. There is in the original text but one reference to the rights which arise from a contract invalid by

\* They are treated of in the Cain Lanamhna, Senchus Mór, vol. 2, p. 342.

reason of fraud or mistake. The annexed commentary, which has scarcely any connexion with the text, attempts to supplement the deficiencies of the original, and consists of various collections of rules as to the rights arising when contracts are invalid from fraud or mistake. That the commentary itself was not the work of any one person appears from the fact that the rights arising from an invalid contract are laid down no less than five times in different terms and with numerous variations. The same more extended mode of treating the subject also appears in the glossary, as if the person explaining the old text were desirous of finding in it legal ideas familiar to himself, but not contemplated by the original author. Thus, where in the text a contract between two sane adults is stated to be valid, the gloss introduces the additional qualification that it should be with knowledge and warranty, a qualification foreign to a rule which treats of the validity of a contract with reference to the power of contracting parties to enter into it, and not of the validity of the contract with reference to the fraud or mistake of the parties.

It is to be anticipated from the history of ancient law that the portion of the text devoted to obligations *e contractu* would be small in comparison to that treating of obligations *e statu*, and that the commentary would exhibit, so far as it treated of the former class, an increased number of legal maxims as contrasted with the text. In early societies organised in families the amount of private property can be but small, and the number of express contracts insignificant. The gradual progress from an ancient to a more modern form of society, involving the gradual breaking-up of the household community, tends to the increase of private property and the multiplication of express contracts. The relative proportion of obligations *e contractu* and *e statu* is constantly altering; the former must increase and the latter diminish in proportion to the changes which the society may undergo. It is useful, therefore, to distinguish the mode in which the text treats the subject of express contracts, as contrasted with that adopted in the commentary.



In the text, contracts are divided into valid and invalid. The validity of a contract depends upon the capacity of the parties to contract, and the existence of a "consensus" between the parties, *i.e.*, the absence of fraud or mistake in the contract itself. The capacity to contract depends both upon the legal status of the contracting parties and their mental ability to comprehend the transaction. At a time when the greater portion of the population did not possess any absolute right in property, and were therefore incapable of contracting in respect to it, and when the property possessed by those of full legal rights was to a large extent enjoyed by them, not in their individual capacity, but as the heads of and trustees for communities, the validity of a contract would be most frequently impugned upon the ground either of the status of the contracting party or the real ownership of the subject-matter of the contract. To these two subjects the attention of the authors of the original text is chiefly directed; the former is discussed in the portion of the text which professes to deal with express contracts; the latter is postponed to that which discusses the relations between the head and the members of a community in relation to the joint property.

Valid contracts are divided into three classes, *viz.*, those between (1) 'lân'-persons, (2) 'saer'-persons, and (3) sane adults. Contracts thus valid are manifestly contrasted with those afterwards treated as invalid, *viz.*, those made with 'fuidhir'-tenants of a chief, 'daer'-stock tenants of a church, proclaimed fugitives, sons, women, idiots, and persons without sense. Neither classification is consistent; but the obvious meaning is, that the former class possessed the requisite legal status and mental capacity, and that the latter failed in either one or other of these requisites.

The first class of persons specified as capable of entering into valid contracts are described as 'lân' or 'slân'-persons. The first term means "full or complete persons," and is glossed as meaning persons who enter into a contract in which full value is given on both sides; the second term may mean "one whose contracts are sound," &c. It is, however,

evident from the context, that the term, whatever be its precise meaning, indicates a class capable of contracting, and not the parties to a contract of any peculiar character.

The 'saer'-tenants, who are capable of contracting, are contrasted with the 'fuidhir'-tenants of the chief and the 'daer'-stock tenants of a church, as the sane adult is contrasted with the fool or idiot. It may therefore be presumed that the 'lân'-person is similarly contrasted with the son, the wife, and proclaimed fugitive, who could possess no independent legal position, but remained in the hand of the head of the household in which they abode. If this view of the meaning of the text be correct, the 'lân'-person would be simply one who possessed full civil rights, and would correspond to the Teutonic freeman as contrasted with members of the classes described as unfree.

All persons incapable of making valid contracts were in the position which is occupied by married women and minors in English law. Sons, 'fuidhir'-tenants of a chief, 'daer'-stock tenants of a church, proclaimed fugitives, women, idiots, &c., could not be bound by any contract, whether for their advantage or otherwise, without the consent of the person in whose hand they were. Such consent could be shown by subsequent express adoption, or the mere omission to repudiate.

In considering the consequences of a contract being invalidated by reason of fraud or mistake, the early form of social organization must be borne in recollection. Modern ideas as to contracts are applicable only where the rights of individual ownership have been once established. The absolute owner of property exercises his own judgment for his own benefit, and is therefore justly liable to the results of his own indiscretion, and if he knowingly enter into a disadvantageous contract, is as much bound to fulfil it as if it had been of the utmost advantage.

But when the parties to contracts, or one of them, deal with the common property of a family, and represent not themselves only, but the community of which they are the legal guardians, the question must arise, whether their power to

contract be not modified by their position. If they are representatives of a community, and not absolute owners of property, they sell any portion of the common stock as constructive agents acting on behalf of the entire community; their power of sale must be limited by the extent of their implied agency; and their authority on behalf of the community must be to dispose of its property for the general advantage to the best of their skill and judgment. If the head of a family wantonly or knowingly purchased defective articles, the contract could be repudiated by the community as made without their authority. If the community acts only through its head, who has himself entered into the contract in question, he could himself repudiate it on behalf of the community. The repudiation of contracts, as injurious to the community, which the head of any such community had entered into on its behalf, would naturally lead, by a false analogy, to the doctrine that an individual might within reasonable limits annul a contract disadvantageous to himself. Property in common preceded individual property, and the incidents of a contract, which existed when the subject-matter was common property, may subsequently have attached in the customary law to the contracts dealing with a different species of property. This doctrine appears in the text in the following paragraph (page 7):—"In a bad contract, which is known to be bad, made by sensible men, the fraud is divided in two; the half is paid by the 'roach'-sureties, the other half is forfeited." The meaning of which, as explained by the gloss, appears to be—"if two men enter into a contract, which is tainted by fraud, by reason that the article sold is not such as it is represented to be by the vendor, and the fraud is known to the purchaser, in consequence of the knowledge by the purchaser of the fraud practised upon him, the deficiency in value of the article sold is divided into two parts, one of which is paid on account of the warranty or representation of the vendor to the purchaser, the other half is forfeited by the purchaser and retained by the vendor." From this paragraph it may be concluded that the "knowledge" referred

to in the commentaries is the knowledge of the purchaser, not of the vendor, as to the defective condition of the article. In the commentary the rights arising from a contract invalid by mistake or fraud are repeatedly laid down in substantially the same terms.

Contracts invalid from the deficiency or defect of the article sold are divided into classes with reference to the existence, or non-existence, of a warranty by the vendor, of the nature of the subject-matter of the contract, and knowledge by the purchaser of the deficiency or defect by reason of which the contract is invalidated. The subdivisions of contracts are, therefore, four in number:—(1) in the case of knowledge and warranty, the contract is dissoluble for twenty-four hours, but afterwards binding; (2) in the absence of both knowledge and warranty, it is dissoluble for ten days; (3) if there be a warranty but no knowledge, the purchaser may recover the amount of the deficiency or defect within ten days; and (4) in the case of knowledge, but without warranty, the third of the amount in which the purchaser is defrauded is lost by him after the lapse of twenty-four hours, but for the space of ten days he may recover the third of the deficiency or the consideration.\*

Having treated of expressed contracts (*contracts by word of mouth*), the text proceeds to implied contracts, or rather those duties attaching to the status of a man, which are explained by the legal fiction of constructive or implied contract.

All orders in society are supposed to exist by their special rules, which the members of each class (impliedly) have promised to observe.

For each original class there exists its own customary code. In each territory there are three customary codes—

\* It is most difficult to reduce the commentary as to the consequences of the invalidity of contracts, arising from fraud and mistake, to any definite principles. The explanation given in this introduction as to the meaning of the terms "knowledge" and "warranty" is founded upon the comparison of the various passages. It is to be admitted that it is not free from difficulty, and the remedies given in the four classes of invalid contracts cannot be satisfactorily explained upon this assumption.



that of the chief ('*corus flatha*'), of the tribe ('*corus fine*'), and of the lower orders ('*corus feine*'). The first defines the duties of the (tribesman (?) or) tenant to the chief; the second deals with distribution and transmission of the tribe land among the natural (born) tribesmen; the third treats of the subjects in which all the inhabitants of the tribe district are interested, viz., tillage in common, marriage, giving in charge, loan-lending, &c.

The '*corus flatha*'-law, conversant with the relations between the chief and his tenants (glossed '*daer*'-stock tenants), comprised—(1) banquets, the feasts given by tenants; (2) labour services; (3) proclamations; (4) pledges, given by the chief for the fulfilment of their duties by his tribe; and (5) regulations and morals.

The text, as far as it deals with the '*corus flatha*'-regulations, is extremely vague, and takes the form of abstract moral statements rather than of legal propositions. This may be accounted for, if it be remembered that there was no universal form of the '*corus flatha*' prevailing throughout the island, as the selection of English customary law known as the common law prevailed throughout England. Every territory possessed its own '*corus flatha*,' as every manor in France or England its own usages and customs. The same diversity existed as to the regulations comprised in the '*corus fine*' and the '*corus feine*.' The limits of variation would be greatest in the first and narrowest in the third of the above codes, if it is allowable to make any conjecture on the subject from the analogy of other early customary laws. The author of the text clearly regards the several '*corus*'-regulations as the result of local customs, and pointedly refers to this in the question—"How many '*corus*'-regulations are there in a territory?"

The text proceeds to divide banquets into three classes, the two former of which alone can be considered the subject of legislation, viz., (1) godly banquets, (2) human banquets, and (3) demon feasts.

The godly banquets are feasts or refectations connected with the performance of religious sacraments or rites, or the



works of charity enjoined by Christian doctrine. The former class includes—(1) the Sunday meal given by a married pair to their church, which might be given weekly “without ale” or monthly “with ale;” (2) the celebration by a feast of the high Festivals, such as Easter or Christmas; (3) the feast given as the price of baptism; (4) the feast on the consecration of a church. The latter class comprises—(1) tithes and first fruits, &c.; (2) feeding a pilgrim; (3) charity to the poor. For the payment of tithes, first fruits, and alms by their people, the chiefs gave pledges to the church, which the parties primarily subject to the payment were required to redeem in case of their failure to perform the service. The usual confusion between what is morally right and legally exigible appears in this section, to understand which it is necessary to realize how very small must have been the territory and following of a large proportion of those who are designated as “chiefs.”

Under the term “human feasts” are included the customary entertainments given by the tenant to the chief, the origin of all the abuses subsequently known under the general term of cess, and the duty of providing provisions for the assembled body of the tribe on particular occasions, e.g., “when the forces of a territory were assembled for the purpose of demanding law and proof, and answering to illegality.”

The third species of banquets are not a subject of law in any sense; they are defined as demon feasts, *i.e.*, banquets given to the sons of death and bad men, *i.e.*, to lewd persons and satirists, and jesters, buffoons, and mountebanks, and outlaws, and heathens and harlots, and bad people in general. “Such a feast,” it is added, “is forfeited to the demon.” There is not in the text any enactment or rule prohibiting these entertainments, which are merely placed under a moral censure. Here possibly may be recognised some early prohibition against the celebration of heathen ~~usages~~. The portion of the text commencing with “*i.e.* to lewd persons,” &c., is probably a late interpolation after Christianity was generally established, and the celebra-

tion of heathen rites had ceased to be usual. It may be remarked, that the introduction of the term heathen into this portion of the text, shows that at a date long subsequent to the introduction of Christianity there were existing in the island some who still adhered to the old worship, and as such were classed by the Church among "bad people in general."

The 'corus flatha'-law is explained in the gloss as treating of the law between the chief and his 'daer'-tenants, but the enumeration of the specific acts of service included in this custom would lead to the supposition that the 'corus flatha' must have dealt with the relations between the chief and the tribesmen generally. These work services included service for a hosting, building a 'dun'-fort, the redemption of a pledge (probably that given by the chief for the tribe), for a meeting for attack or defence, for serving God, assisting in the work of the Lord, &c.

The services embraced in this list cannot be confined to those who stood in the relation of 'daer'-tenancy to chiefs; they are obviously the duties which would fall upon all the members of the tribal community.

There is no information given as to the mode in which the performance of the service to be rendered could be enforced. The only penalty mentioned is what may be considered as a partial *diminutio capitis*, viz., that the person who did not fulfil the law of service should not have full 'dire'-fine; thus a failure to perform the duties incident to the position of a member of a community would degrade the guilty party so as to cause the damages payable for injuries to himself to be proportionably diminished.

There are no means furnished by the text or commentary of ascertaining the amount or frequency of the services to be rendered under the 'corus flatha.' The actual amount and nature of such services must have fluctuated with the custom of each territory, and their character is such that they must have been most uncertain in their incidence. In a primitive community no attempt is made to reduce such matters to certainty, or to calculate their amount; in such a

society that which is universally believed to be the custom is performed under the pressure of general public opinion, without inquiry or calculation. In the present tract scanty allusion is made to the customary laws defined as the 'corus fine' and 'corus feine.'

The portion of the tract which has been hitherto considered is, in the point of view of the compiler, distinguishable from the subsequent part.

The first part is intended to deal with purely customary law, the origin of which is not referable to any person or time; the latter portion of the tract, dealing chiefly with the rules connected with ecclesiastical establishments, must have been felt to have had an origin, and is naturally attributed to the period of the introduction of Christianity. "Every law which is here (*i.e.* in the preceding portion of the tract) was binding until the two laws were established. The law of nature was with the men of Erin until the coming of the faith in the days of Laeghaire, son of Nial. It was in his time Patrick came. It was after the men of Erin had believed Patrick that the other two laws were established—the law of nature and the law of the letter."\* What were the ideas of the writer of the text as to the origin and meaning of the law of nature it is not easy to discover; but the following is suggested as a probable explanation. In early societies men do not obey the commands of the law, but rather conform their conduct to the immemorial usage and habit of the community. The next step in legal development is the half-inspired declaration of some judge, embodied in the form of a judgment, upon an individual case; and such a decree or specific command is considered as a leading authority morally binding upon subsequent judges in similar cases, and imagined ultimately to represent the law as it existed at the date of the original decision.

In the Irish tribes there existed an hereditary caste, which, in some manner unknown to us, had acquired the exclusive

\* Pages 27, 29.

right of arbitration in the cases which disputants, either voluntarily or under the pressure of public opinion and custom, submitted to their decision. The condition of society among the Irish tribes was such that a very large proportion of leading cases would be handed down in the hereditary legal caste, and very many such authorities would be traditionally preserved. It is evident that very many of the paragraphs in the commentaries upon the text in this volume are summaries of such decisions, written in under the preceding paragraph of the text as the title to which they are referable. The term "law of nature" must have been introduced after the introduction of Christianity. It is evidently a translation of the *jus naturale* or *jus gentium*, which, in the fourth century, was used in the later sense of a law founded upon abstract moral principles. The authors of the glosses clearly saw that what was meant by the Irish term (*pecht aenmí*) was very different from the received meaning of the Latin words, and they explain it as the law "of the just men," and again as the law "of the Brehons Moran, and Fithal, &c.," i.e., the mass of prior decisions preserved among the Brehon class as leading cases. An hereditary caste of lawyers must have from an early period distinguished between the two distinct bases upon which cases were to be decided, the decisions traditionally handed down, and (to some extent) generally applicable, and the local customs, to be proved in many cases as matters of fact. Thus, even at the introduction of Christianity, the double character of the law may have attracted observation. Upon this mixed body of local custom and leading cases there was superadded, on the introduction of Christianity, what is described as "the law of the letter."

There is no trace that any new legislation, either derived from Roman sources or founded upon specially Christian morality, was introduced by Patrick; on the contrary, the traditional tribe-law became the ecclesiastical law, and the Roman ideas of Christian organization were wholly unknown in the Irish Church. All that is attributed to

Patrick is the rejection of that portion of the pre-existing law which was inconsistent with the new religion, and, further, a collection of the native laws as they then existed. But although no new laws were systematically introduced, a large body of new law must have arisen.

The rules with reference to ecclesiastical establishments, although modelled on the old tribe-law, were manifestly new. The rights of the Church, the succession to ecclesiastical dignities, the relations of the tribe of the saint and the tribe of the land, &c., produced a fresh body of customary law, evidently distinguishable from the old custom, and specially connected with ecclesiastical bodies. This may be considered to be what is meant by the law of the letter, not because it was at any time enacted or published as a new written law, but because Christianity, with which the laws of ecclesiastical bodies would be confounded, was regarded as the religion of "the book," not of any particular book or books, but as intimately connected with the introduction of books and writing into the island.

The uncertain nature of the text of such a document as that under discussion is clearly shown by the contents of the original text in pages 1 to 27. The text asserts that "every law, which is here, was binding until the two laws (of nature and the letter) were established;" nevertheless, in the preceding portion of the text there are numerous references to institutions necessarily subsequent to the introduction of Christianity, "e.g. tithes, first fruits, abbots," &c. The compiler of the text must have been guilty either of great carelessness in adopting the cotemporary form of the custom as descriptive of the customary law before Patrick, or the text of the old custom has been from time to time largely interpolated. Both causes may have acted together. The old traditional formulæ would be altered by references to institutions of later introduction, and the compiler may have adopted the text then current in its altered state.

The text sets out in the next place the reciprocal rights of the Church and the people; the Church is bound to per-



form its obligations toward the people, the people to fulfil their services to the Church. The rights and obligations on both sides are based, not upon an assumed contract, but upon the performance of reciprocal duties.

If the laity fulfil their duties toward the Church, the latter is bound to perform the rites of baptism, communion, and the requiem, and "offering from every church to every person after his proper belief, with the recital of the word of God to all who listen to it and keep it." The members of a monastic community were also bound, for the benefit of the laity, to preserve their respective proper positions, so that the offerings of the laity might be legal.

The rights of the Church as against the people are declared to be—(1) tithes, (2) first fruits, and (3) firstlings, which were due to the Church from her subjects.

Tithes are generally supposed to have been introduced into Ireland by the Council of Cashel in 1172; but the third canon of that council directs, not that tithes should be paid to the Church by the laity, but "that all good Christians do pay the tithes of beasts, corn, and other produce to the church of the parish in which they live." By this canon, tithes may have been first introduced; or it may treat them as a pre-existing right of the Church; in which case the reform intended to be effected was either that all the laity should pay tithes, or that the tithes of all the laity should be paid to the churches of the parishes in which they lived. The latter practice had been then lately established in England; but though the form of the canon is English, the text of the present tract leads to the supposition that the extension of tithes to all the laity may have been the chief object of the Irish canon. That tithes as a legal obligation were introduced in the time of Patrick as part of the law of the letter is most improbable. The canonical duty of paying tithes first appears in the decrees of some of the French councils of the sixth century. The legal, though yet only occasional, payment of tithes appears first about the close of the Merovingian dynasty. The clergy first obtained on the Continent a legal right to tithes by the Car-

olingian Capitularies of A.D. 785. Tithes, in the ordinary sense of the word, could not have been introduced into Ireland in the time of Patrick—probably not before the eighth century. It may be asserted with equal confidence that the Irish Church was never reformed upon the continental model before the twelfth century, and that its ecclesiastical system, as it existed prior to that date, was of native development. We must not overlook the possibility that the portions of the Brehon Law Tracts which deal with the question of tithes may be comparatively modern. But although the date of the Brehon Tracts, in their present form, is probably much later than that attributed to them, it is impossible to bring the text down to a date at which the rules as to tithes, if first introduced in the twelfth century, had passed into customary law. The difficulties on the point may be met by the supposition that the origin of tithes in Ireland was independent of their canonical or legal establishment on the Continent, and that the character of the tithes and that of the persons by whom they were paid were different. Tithes were possibly founded upon the assumption that the ordinances of the Levitical Code were of universal obligation, and that, when the Christian Church and its priests were once established in the position occupied by the Temple and Levites, tithes, by the divine law, became payable to the clergy. Such ideas had been embodied in the decrees of councils in the sixth century, and it is, therefore, probable that they were not unknown to the early Irish Church, which in its origin appears not to have been free from Gallic influence. The establishment of the Church in the place of the Levites may not improbably have been an idea familiar to the mind of the early missionary.\*

\* That the rights of the Church to tithes were asserted in the sixth century, but the tithes themselves were not regularly paid, appears from the following passages:—

“*Leges divinæ, consulentes sacerdotibus ac Ministris Ecclesiarum, pro hæreditatis portione omni populo præceperunt Decimas fructuum suorum locis sacris præstare, ut nullo labore impediti, horis legitimis spiritualibus possint vacare ministeriis. Quas leges Christianorum congeries longis temporibus custodivit intemeratas. Nunc autem paulatim prævaricatores legum præne Christiani omnes ostenduntur,*

In reference to this subject, it is necessary first, to examine the text with the object of ascertaining what was understood by the payment of tithes, and then, to consider whether, in the first establishment of the Church, there were or were not circumstances which might have led to the institution of such tithes as are referred to in the text. The text runs:—"The right of a Church from the people is tithes and first fruits and firstlings; these are due to a Church from her members" (i.e. according to the gloss, from her subjects). Tithes, first fruits, and firstlings, are here classed together as equally claimed by the Church.

dum ea quæ divinitus sancita sunt, adimplere negligunt. Unde statuimus ac decernimus ut mos antiquus a fidelibus reparetur, et Decimas Ecclesiasticis famulantibus ceremoniis populus omnis inferat, quas sacerdotes aut in pauperum usum, aut in captivorum redemptionem prærogantes, suis orationibus pacem populo et salutem impetrant. Si quis, autem contumax nostris statutis saluberrimis fuerit, a membris ecclesiæ omni tempore separetur."—(*Concil. Matisconense*, II., cap. 5: *Brun.* "*Can. Apos. et Con.*," vol. ii., p. 250, A.D. 585).

In the letter of the Bishops of the diocese of Turin to their flocks, A.D. 567, the people are exhorted, "ut unusquisque ad exemplum Abraham Decimas offerat de suis *mancipiis*," &c.

In the decree of the Council above quoted the sanction by which the payment of tithes was enforced was purely ecclesiastical, but the payment was afterwards enjoined by the civil law. By the Capitularies of Paderborn, A.D. 785, Charlemagne enacts:—"Similiter secundum Dei mandatum præcipimus ut omnes decimam partem suis ecclesiis et sacerdotibus donent, tam nobiles quam ingenui, similiter et liti."

If the distinction between the establishment of the ecclesiastical custom and its enforcement by the civil law be borne in mind, much of the difficulty as to the date at which tithes were established will be removed. The gradual development of the law as to the payment of tithes is fairly stated by Dr. Milman: "Already, under the Merovingians, the clergy had given significant hints that the law of Leviticus was the perpetual and unrepealed law of God. Pepin had commanded the payment of tithes for the celebration of peculiar litanies during a period of famine. Charlemagne made it a law of the empire; he enacted it in its most strict and comprehensive form, as investing the clergy in a right to the tenth of the substance and of the labour alike of freeman and serf."—(*Milman's "Latin Christianity,"* vol. iii., p. 86.)

The origin of tithes in England is usually attributed by the English historians to the supposed grant of tithes by Æthelwulf, A.D. 854 or 855; but there is no doubt that they were claimed by, or paid to, the Church long prior to that date.

By some writers they are referred to a synod held A.D. 786, which is alleged to have been confirmed by a law of Offa, but no such law is in existence. The latter date may be adopted as that at which a distinct canon of the church

Here the rights of the Levites are adopted in a fulness not found elsewhere, and not borrowed from any of the

enforced as obligatory what before had been a customary, although voluntary, payment.

Whether the Penitential of Theodore, who was Archbishop of Canterbury from A.D. 668 to A.D. 690, was or was not the work of its alleged author, it is quoted by Archbishop Egbert of York, who held that see from A.D. 734 to A.D. 766, and, therefore, represents the opinions of the Church in the first half of the eighth century.

In the Penitential of Theodore (*Councils, &c., of Great Britain*, Haddan and Stubbs, vol. iii., p. 203), there is the following passage:—

“9. Tributum ecclesiæ sit, sicut consuetudo provincie, id est, ne tantum pauperes inde in decimis aut in aliquibus rebus vim patientur.

“10. Decimas non est legitimum dare nisi pauperibus aut peregrinis, sive laici suas ad ecclesias.”

In the Report of the Legates to the Pope Adrian I., A.D. 787, among the rules delivered to the English to be observed occurs the following:—

“XVII. De decimis dandis sicut in lege scriptum est ‘Decimam partem ex omnibus frugibus tuis seu primitiis deferas in domum Domini Dei tui.’ Rursum per Prophetam; ‘Adferite,’ inquit, omnem decimam in horreum Meum, ut sit cibus in domo meâ; et probate me super hoc, si non aperuero vobis cataractas cæli, et effudero benedictionem usque ad abundantiam; et increpabo pro vobis devorantem, qui comedit et corrumpit fructum terræ vestræ; et non erit ultra vinea sterilis in agro, dicit Dominus.’ Sicut sapiens ait; ‘Nemo justam eleemosynam de his quæ possidet facere valet, nisi prius separaverit Domino, quod a primordio Ipse Sibi reddere delegavit.’ Ac per hoc plerumque contingit ut qui decimam non tribuit ad decimam revertitur. Unde etiam cum obtestatione præcipimus ut omnes student de omnibus quæ possident decimas dare, quia speciale Domini Dei est; et de novem partibus sibi vivat, et eleemosynas tribuat, et magis eas in absconditis facere suasimus, quia scriptum est, ‘cum facis eleemosynam, noli tubâ canere ante te.’”—(*Councils, &c., of Great Britain*. Haddan & Stubbs, vol. iii., p. 456.)

The gradual growth of the law of tithes is indicated by the statement in the Anglo-Saxon Chronicle of the donation of Æthelwulf, A.D. 855—“This same year Æthelwulf booked the tenth part of his land throughout his realm, for God’s glory and his own salvation.”

Theodore’s Penitential proves, in the seventh or the commencement of the eighth century, an assertion by the Church of the moral duty of the payment of tithes by the laity. The canonical obligation to pay tithes is established by the Legates in A.D. 787. The personal duty is recognised by the King in A.D. 855. The legal obligation to pay tithes is at length recognised in the Code of Edward the Elder and Guthrum, A.D. 901—“If any one withhold tithes, let him pay ‘lahslit’ among the Danes, ‘wite’ among the English.”

So fluctuating, however, was the mode in which the obligation to pay tithes was regarded that in the laws of Edward and Guthrum (cir. A.D. 901) the non-payment of tithes entailed civil penalties (sect. 6), but in the laws of King Edmund (A.D. 940–946) the payment of tithes was enforced by an ecclesiastical sanction only (sect. 2).



European nations, who were sufficiently unwilling to pay the tithes alone. The meaning of the right to firstlings is first explained in the following paragraph. They are—"Every first, *i.e.* every first birth of every human couple, and every male child which opens the womb of his mother, being a lawful first wife; and also every male animal that opens the womb of its mother, of small or lactiferous animals in general." First fruits are described as—"First fruits are the first of the gathering of every new produce whether small or great, and every first calf and every first lamb which is brought forth in the year."

In addition to the Levitical rules as to tithes and first fruits, it would appear from this tract that an Irish church claimed as against its laity rights unknown elsewhere. Under the head "firstlings" were included the first-born of a marriage; and if there were eleven or more children of a marriage, of whom not less than ten were sons, the Church was again entitled to a second son of the marriage. The rules in the text as to this selection for the benefit of a church were as follows:—(1) the first-born, if a son, was given to the Church; (2) if the first-born were a daughter, she was the first-born, but her place was taken by the next born son; and (3) if there were ten sons other than the actual first-born, the Church had a claim to one of them; the son who fell to the Church's share was ascertained by setting aside the three worst of the ten, and casting lots upon the remaining seven. A son thus given to the Church as a first-born or a tenth, obtained as large a share of the family property as any other son, but was bound to render service to the Church for his own lands, as a 'saer'-stock tenant; in consideration of which service the Church was bound to teach him learning.\*

Rights such as are thus set forth in the text were never

\* The claim of the Church to first fruits is now so obsolete, that the majority are ignorant that it ever existed. In point of date however first fruits preceded tithes.

In the Apostolic Canons it is declared, "Ἡ ἅλλη πάντα ὁπόσα εἰς οἶκον ἀποστελ-



claimed as against the whole body of the laity by any other Christian Church in Europe. It may be surmised that the text is not so much the statement of the law actually existing at any specific time, as the expression of the opinion of an early churchman as to what the ideal law ought to be. The commentary on the text, however, shows that at a subsequent period the principles laid down in the text were treated as existing law. On the other hand, there is in the commentary an absence of those leading cases which are so profusely cited upon other subjects.

The difficulties as to these claims of a church may be

λίσθω, ἀπαρχὴ τῇ ἐπισκόπῳ καὶ τοῖς πρεσβυτέροις. ἀλλὰ μὴ πρὸς τὸ θυσιαστήριον, δῆλον δὲ, ὡς ὁ ἐπίσκοπος καὶ οἱ πρεσβύτεροι ἐπιμερίζουσι τοῖς διακόνους καὶ τοῖς λοιποῖς κληρικοῖς."—(*Apos. Can.*, IV. (V.), *Bruns.*, vol. i., p. 1.)

The claims of the Church to first fruits were in addition to the demand for tithes, and were the subject of canonical regulation as late as the thirteenth century, but they do not seem to have been ever enforced by the sanction of the civil law.

The following passages, collected by Du Cange, illustrate the nature of the first fruits claimed by the Church :—

"De primitiis vero statuimus, ut laici per censuram Ecclesiasticam compellantur ad tricesimam vel quadagesimam partem, usque ad quinquagesimam nomine Primitiæ persolvendam."—(*Concil. Burdeg.*, cap. 20, A.D. 1255.)

"De primitiis vero dicimus, et juri esse consentaneum reputamus, et sic in Nemausensi diocesi præcipimus observari, quod primitiæ Ecclesiæ illi dentur de proventibus seu fructibus prædiorum decimæ persolvantur, cum non debeat una eademque Ecclesiæ censi; nomine autem Primitiarum, seu pro primitiis ad minus sexagesima pars de vino et blado Ecclesiis debet solvi."—(*Synodus Nemausensis, Cap. de Decimis, A.D. 1284.*)

"Ut sexagesima pars offeratur eorum, quæ gignuntur a terrâ," &c.—(*Decretal. Gregor. IX.*, lib. iii., tit. 30, cap. 1.)

"Primitias eorum rerum de quibus præstatur decima, dari volumus per trentenam, juxta modum Ecclesiæ Carcasonensis."—(*Stat. Synod. Eccl. Carcass.*, cap. 16, A.D. 1270.)

The distinction between the first fruits of the altar and of the priest, which appears in the Apostolic Canon, still continued in the middle ages :—

"Primitias de fructibus vestris et de laboratu debetis offerre ad altare, id est, spicas novas et uvas et fava. Alias Primitias ad domum presbyteri de omni fructu debetis portare, et presbyter eas benedicat."—(*Incerti auctoris Homilia apud Baluz in opp. ad Cap. Col. 1376.*)

"Omnes autem Primitias de Curtangis habebit presbyter, illis exclusis quæ veniunt ad altare, scilicet agnorum, vitulorum, porcellorum, et lanarum, quarum presbyter tertiam et monachi duas partes habebunt."—(*Chartul. S. Vincentii. Cenoman.*, fol. 55.)

reconciled if the position of the early Christian Church in Ireland be carefully borne in mind. There was no national Church claiming its rights as against the collective laity; there were many independent Churches, or groups of allied Churches, which claimed specific rights as against the laity of a specific tribe living within a certain defined district. In some cases, the first convert, if the head of a clan probably with the consent of his clansmen, consented to the establishment of a Church within the territory of his tribe. Upon the common tribe land the monastic church of the saint was then erected. Upon what was originally the land of one lay tribe there were thus two tribal (or joint-stock) communities established; the tribe of the saint\* or the perpetual succession of monks occupying the religious monastic establishment under the rule of the abbot, and possessing, in a *quasi* corporate capacity, a portion of the original common land; and the old lay tribe, described as "the tribe to whom the land belongs," occupying the residue of the tribe land, but devoted to the "tribe of the saint." A Church so founded must have come into contact with two classes of laity—the occupying tenants of the portion of the tribe land actually allotted to the "tribe of the saint," and the members of the "tribe to whom the land belonged," occupying the residue of the tribe land. Except under these two relations, it is difficult to see what rights a Church could claim as against the laity; and if the portion of the text of the 'Corus Bescna' which deals with the rights of a Church be exclusively confined to these two classes, no intelligible meaning can be given to the text; but if it be remembered that certain lay communities devoted themselves (*sese et familiam suam*) to the service of God in a peculiar manner, the rules laid down in the tract can be believed to have represented actually existing facts. If the early convert had devoted himself and his tribe to the Church, such

\* The phrase "tribe of the saint" is used in two distinct meanings—(1) in opposition to the lay tribe, to describe the members of the monastic establishment ('*fine manach*'); (2) in tracing the right of succession to the abbacy, as the lay tribe of which the saint who founded the monastery had been a member, as distinguished from the monks who were inmates of the monastery.

a solemn dedication of an individual and his house to the special service of God created a relation wholly different from that which arose from the ordinary establishment of a monastery upon a portion of the tribe land. The convert and his clan, by their dedication of themselves to the service of God, created a relationship the precise meaning of which the original parties to the transaction may never have comprehended. It was subsequently necessary that the rights of a church against such a tribe, on whose lands it had been founded, should be defined, and then, as the only known standard, the Levitical system, with extensions and various alterations, was assumed by the Church as the explanation of its claims.

There may be a question whether these rights of the Church were to be exercised against the tenants occupying the portion of the tribe land allotted to the Church, or against the members of the "tribe to whom the land belongs," still occupying the residue of the tribe land, who had devoted themselves to the Church, and who were the class described as the "subjects of the Church?" It appears from the text that these rights of the Church must have been exercised as against members of the original lay tribe, and not as against its own sub-tenants. The first-born, or tenth son chosen by lot, carried out of the family stock the share to which he was entitled as a member of the family, to hold, not as his father or the residue of his brothers held, but as a 'saer'-stock tenant of the Church. Such a rule would be wholly inapplicable to the actual tenants of the Church land holding the land as 'saer'-stock tenants, and positively injurious to the Church, if applied to its 'daer'-stock tenants. The system of tithes would also seem inapplicable to the actual tenants of the Church, if the nature of the tenancies known as 'saer' and 'daer' stock be borne in mind.\* If the rights of the Church stated in the text were continuously enforced against, or acquiesced in by, the entire lay tribe, the members of the tribe must have gradually been converted into 'saer'-tenants of the Church; and, as

\* Vid, *Senchus Mór*, vol. 2, Preface, pp. xlvī-lliii.

'saer'-tenants would have been bound to forty nights' service to the Church. All the first-born and tenth sons, though retaining their character as free, must have sunk into vassals of the Church, and the tribe "to whom the land belonged" might be described as the family of the patron saint.

How far, if at all, the claims of the Church were generally enforced, it is not necessary here to inquire.

The duty that gifts should be given by the various classes of the laity to the Church, and the amount to be given by each class in proportion to its dignity, are the subject of the next section of the text. After detailing the amount of the gift to the Church from each grade of the laity, the text concludes—"But the 'comharbas' are not alike; the 'comharba' who sells and buys not; the 'comharba' who neither sells nor buys; the 'comharba' who buys and sells not." The title of 'comharba' is usually referred to the person who, as the representative of the original saintly founder of a monastic house, represented the society formed jointly of the tribe of the saint and the tribe to whom the land belonged. Is it possible that the term should be used in this sense in the present text? Are the class of 'comharbas' in this section distinguished from the several ranks of chiefs previously mentioned, or are they some general class in which the former are included? The three divisions of 'comharbas,' specified in page 43, would seem to be identical with the three divisions of persons of all grades in page 45; and the text in page 49, seems merely an application of the general rule to the case of a 'boaire'-chief. It is further evident from the commentary at the foot of page 47, that the rule primarily laid down as to 'comharbas' was applicable to every man who possessed land over which a disposing power was acknowledged to exist. It may therefore be presumed that the extension of the term 'comharba' is greater as it is used in the text than it is in its ordinary use. No objection to any such extension of the word arises from its derivation or original meaning. The word has no peculiar connexion with things ecclesiastical, and being derived from the words 'comh' (with) and 'orba'

(land), signifies one who represents a joint possession in land. If taken in its primary meaning, it signifies one who is the legal owner of property in which others than himself claim or have an interest. If such be the meaning of 'comharba,' it is equally applicable to the representative of the joint religious and secular tribe, the chief holding the tribe land as the head of his clan, and the paterfamilias, whose proprietorship is bound by a trust more or less extensive, for the members of his family. The rules laid down in the commentary are referable to all persons holding these various legal positions.

The general principle which runs through this portion of the tract is, that the legal owner of property in which others have an interest is, for the benefit of those interested, restrained in the exercise of his powers of ownership. How far the head or representative of a family could alien his lands, was a question of importance when no strict rule of hereditary succession or primogeniture had been established; it was necessary then to lay down some rule according to which the exercise of ownership by the head or representative of the family might be reconciled with the rights of the junior members.

In such cases two distinctions are made—(1) between the disposition of property handed down by the previous owner to the existing head of the family, and (2) between legal and illegal dispositions, by the head of the family, of the property which he might possess. Thus in early English law the power of alienation by the owner was different in the case of what was then defined as *hereditas*—land which had descended by inheritance—and *quæstus*, land acquired by purchase. In the case of 'hereditas,' the owner might alienate *in remunerationem servi sui* or *in eleemosinam*, but not otherwise; in the case of 'quæstus,' the owner might alienate for any purpose, but not to such an extent as to disinherit wholly his son and heir. If a man possessed lands both by inheritance and purchase, he might alien all those held under the latter title, and retain his right to dispose partially of the land received by inheritance, in



what was considered as a reasonable manner and to a reasonable extent. Excluding the idea of heirship, the same principle is adopted by the Brehon law in the present tract.

"He who has not sold or bought is allowed to make grants, each according to his dignity. He who buys and has not sold is capable of *making* grants as he likes out of his own acquired wealth, but *only if* he leaves the property of the tribe intact, or a share of other land after him for the augmentations of the tribe" (page 45).

"He who sells *out* and does not buy *in* is not capable, or, *according to others*, is capable of *making* grants, provided he has not sold *out* too much" (page 45). Again—"It is lawful for the 'boaire'-chief to make a bequest to the value of seven 'cumhals' out of the acquisition of his own hand, but *only if* he leaves two-thirds of his acquired property to the original tribe" (page 49).

"No man should grant land except such as he has purchased himself, unless by the common consent of the tribe, and *that* he leaves his share of the land to *revert* to the common possession of the tribe after him" (page 53).

It must be borne in mind that the text deals solely with alienations in favour of the Church; and with reference to such gifts, the law lays down that as to inherited property, the power of alienation for this purpose is limited by a maximum; as to acquired property, there is an unlimited power of alienation. It is impossible to reconcile the commentary with the text; but the variance between them is not in the principle, but in the details of its application. It was the duty of the representative of a family or joint ownership to preserve the *corpus* of the property for the benefit of all interested therein; but in view of ordinary contingencies, it was obviously impossible to maintain it constantly in the same unvarying condition; the representative of the family or association necessarily had a power of alienation for the benefit of all, which might be exercised more or less prudently.

Hence follows the distinction between "necessary" and "unnecessary" alienations. Unnecessary or improvident

alienation, though for the benefit of the community, restricted the power of the representative of the community to alien for his own benefit. The rules in the commentary upon this subject are evidently added by different hands, and are naturally inconsistent; but the meaning and design of all are the same. The commentary commencing in page 47 plainly refers to the power of disposition over inherited lands possessed by the head of a family (whom the commentator included under the term 'comharba'). According to it the property of any such person was divisible into three portions, viz., the share (1) of the tribe, (2) of the chief, and (3) of the Church. His power of alienation could be exercised only as against the third of the tribe, and for certain specific purposes, viz., in contracts and covenants, in gifts for the health of his soul, and as tenancy to a lay chief. By the tribe share must be understood the share to be transmitted to the aggregate body which he represented—his family in the original sense of the term; by the share of the chief it may be intended that one-third of his lands would, on the death of the owner, lapse into the general stock of the tribe; what rights were taken by the Church in the remaining third it is impossible to conjecture. This statement as to the power of the head of a family to alien is followed by the rule as to the power of alienation of a woman over her 'cruib'-land\* or 'sliasta'-land†; in this case also the tribe, or rather family, had a right to one-third, but the remaining two-thirds were subject to her power of alienation arising from her cultivation of the inherited land. As to acquired property, a distinction was drawn between the case in which the means of acquiring additional property arose from the industry of the owner, and the produce of the land in the ordinary course of husbandry; the power of alienation naturally being greater in the former than in the latter case. Property acquired by the exercise of an art or trade was placed in almost the same position as property the result of agri-

\* From *croib*, the hand.

† Derived from "*ῥῆγαρα*", the thigh, or loins.

culture; two-thirds of it were alienable; but in a state of society in which the exercise of particular arts and professions were caste privileges, the profits of any such social monopoly were naturally distinguished from those acquired solely by individual ability, and therefore the emoluments accruing to any man by the exercise of "the lawful profession of his tribe" were subject to the same rights for the benefit of the tribe to which he belonged as ordinary tribelands.

It may be remarked, that in this very interesting portion of the tract the commentary rather obscures than elucidates the text. The original rules are simple and consistent, and analogous to those which in other countries, *e.g.* England, treated of property similarly situated. If the rules laid down in the commentary are aught else than speculative, they must have involved the alienation of property in questions of account which would in any, and especially a primitive state of society, have rendered any alienation practically impossible. As to the commentary which commences in page 47 (already referred to), it is to be desired that some evidence could be discovered to prove that such a scheme for the devolution of property upon the death of the owner was ever practically enforced.

The real spirit of the law in its original simplicity, and the objects which it was designed to effect, are best shown by a subsequent passage of the original text:—

"The proper duties *of one* towards the tribe are, that when he has not bought, he should not sell; \* \* although he be not wealthy, but that he be not a plunderer of the tribe or land. Every one is wealthy who keeps his tribe land perfect as he got it; who does not leave greater debt on it than he found on it" (page 55).

Among the forms of alienation previously mentioned as sanctioned by law was included an alienation for the future maintenance of the donor. In a state of society where there was no means of investing savings, and little security for those unable to protect themselves, it was an obvious expedient that the old or feeble should make over their property to another upon the condition of being maintained

during their life. The transaction was the same as the purchase of a life annuity from the Government or an insurance company.

Such arrangements were carried out in two modes; the owner of property might retire from the headship of his family, permitting his son or heir to succeed him upon the condition of maintaining him during life, or he might purchase from a monastic church a right to reside in its buildings and feed with its inmates. Rights of life maintenances of the kind were sold by the Church until a late period, under the name of *corrodies*—a business in which the Templars embarked largely.

If a father transferred his property to the son upon the condition of the son's maintaining him, and, as a consequence of the transaction, the headship of the family passed to the son, the relative position of the parent and son would be reversed, and the father would be placed in the hand or under the power of the son. Between both would exist the reciprocal obligation to keep the capital stock unimpaired; the son could annul previous contracts of the father, injurious to the property, and the father could prevent the son diminishing the fund charged with the burden of supporting the father during his life. "A son who supports his father impugns every bad contract of his father's; he does not impugn any good contract. So is the father in relation to the son who supports him; he impugns every bad contract; he does not impugn any good contract" (page 57). If the son failed to fulfil his contract to support his father, the rights of the father as against the son were as follows:—The property given by the father to the son may be treated either as having been given upon a condition, or as having been given subject to a charge for the stipulated maintenance. The latter view is adopted in the text in page 53—"The father may remove a son who does not maintain him from his land, and give his land to one who maintains him, until the value of a man is got out of it." The land pursuant to this rule would stand charged with a sum for maintenance fixed at what was the legal



price of the father's life according to his rank in society. The former view of the father's rights is stated in the text in page 57—"Not so the son who does not support his father; he does not dissolve any good contract or any bad contract of his father's. Not so the father in regard to the son who does not support him; he sets aside every bad contract and good contract of his son's, if he has by notice repudiated the contracts of his son, that all might know it. The 'seds' of his son are forfeited to him wherever he seizes them. Whatever the son has obtained from others in exchange is forfeited;" *i.e.*, the father re-enters upon his property as upon condition broken.

If land were aliened to a monastic church as the consideration for a life maintenance, the respective rights of the Church and the tribe in the land required to be adjusted. The tribe might claim the succession to lands after the death of the owner, but was at the same time bound to support any tribesman who required assistance. If the profits of the land during the life of the former owner had been insufficient to indemnify the Church against the expense of his maintenance, the tribe, if absolutely entitled to the succession, might at once take the benefits, but repudiate the obligations arising from the tribe relation. A rude compromise was struck by the rule that, on the death of the former owner, the land aliened by him to the Church for his maintenance was charged in favour of the Church with a sum varying with the ability of the tribesmen to have maintained him—one-half of the actual expenditure incurred in his maintenance if the tribe were able, one-third if unable, to fulfil their duty.

From page 59 to the end of the tract the original texts are wholly fragmentary, being, in most cases, simply the catch-words to the rules which were well known by the compilers; from the same page also the arrangement of the subject-matter is confused and inconsecutive.

The rules as to the rights of fathers against sons who failed to support them are followed by the unintelligible text—"His 'eric'-fine and his bequest," which, from the



commentary annexed, appears to have been introduced from a tract on criminal law.

Next follow a short text and commentary as to the liability of those who entertained fugitives for the crimes committed by them, which portion is equally unconnected with the general subject of the tract. This is succeeded by a very defective text and commentary as to the liability of a son to support his mother. There are, as if a portion of the commentary upon the last-mentioned text, six lines of verse specifying the six classes of sons who are not bound to honour their fathers. This fragment is probably a relic of the purely traditional rules transmitted by memory only, which preceded the construction of any written text. The passage is possibly introduced in continuation of the rules as to the support of a father by his son, and the three intermediate fragments of text and the commentaries on them may be treated as an interpolation.

The remainder of the tract deals with questions of ecclesiastical law, as far as such a term is applicable to rules which have no connexion with ordinary canon law. The two first fragments of text refer to the rights of a church over its members. The monastic churches were bound together in certain understood relations to each other, not because the inmates were of a common order, but by the assumption of kinship as between the institutions themselves. The 'eclur' (*ecclesia*) was a large monastic church establishment, as contrasted with the 'cill,' or a smaller church (*cella*). The 'cill'-church does not appear to have been a dependent upon the larger establishment in the sense in which the term *cell* was adopted in the English use. A monastic church might stand towards any such other church in the relation of an 'annoit'-church, a 'dalta'-church, or a 'compairche'-church. An 'annoit'-church was that in which the patron saint had been educated or in which his relics were kept; in other glosses it is explained as equivalent to the idea of a mother church, as the church from which the original founder of the church in question had come. A 'dalta'-church was one founded by a member

of the same community as the founder of the church in question; a "sister church," if the term be permitted. A 'compairche'-church was one under the tutelage of the same saint. The members of the church tribes of churches thus related had certain rights of succession to each other, or peculiar rights in the property of their members.

The text and commentary in page 65 treat of desertion from an original church. It is not clear who are the persons whose desertion is contemplated by the rules in question. The author of the gloss in C. 834 explains the term "desertion" as referable to the conduct of monks who, not valuing their condition as monks, went away from their church; but the commentator contemplates the contingency that the person who had so deserted his church might die leaving issue to succeed him—an idea inconsistent with the celibacy which was inherent in the early Irish Church; and in the next section of text and commentary (p. 67) the same rules as those contained in the paragraph treating of desertion are applied to a class which includes tenants of church land. Desertion is declared to be allowable in seven cases of necessity. From the commentary it is evident that by the term desertion was not meant merely the abandonment of the original church, but a removal or exchange from a church to another standing in the "annoit" or "dalta" relation to it. In the case of "necessary desertion" to an 'annoit'-church, if the person who has so abandoned the original church died at the 'annoit'-church, two-thirds of his 'ceannaighe'-goods reverted to the original church, one-third only remaining with the 'annoit'-church in which he died; if he had left the 'annoit' and proceeded to a 'compairche'-church and died there, his 'ceannaighe'-goods would be divided in similar proportions between the original church and the 'compairche'-church. The rights of the original church did not cease with the division of the 'ceannaighe'-property of its former member, but, although in a decreasing ratio, affected the similar property of the two first generations of the descendants of the deceased. It may be conjectured that the next generation would be

wholly discharged from the claims of the church of their ancestor of the third generation, and that the church in whose district they resided would then be considered as their original (or native) church.\*

The next section treats of the mode in which the land of a church tenant who has been "forfeited" is divisible. The meaning of the text is very obscure; but it contemplates the possibility of a tenant of the church being given over to some external body or tribe, as a pledge for the payment of the damages for a wrong of which he is guilty. Such a pledge would be forfeited unless redeemed by the Erenach (or *Æconomus*) of the monastic church within a fixed period, and he would appear to have taken out with him his land, "if the Church advised that land should be given him." Against the land of the man thus forfeited and his son, the original church had a claim as in the case of a member who had deserted. The rights thus exercised by the remaining members of the community over the property of those who, in some manner, voluntarily or otherwise, had gone out of the monastic church body, do not imply that the condition of those whose property was subject to such rights, was of a servile condition. These rules exhibit the difficulty with which, in the early form of society, the member of a tribe or association could sunder himself from his fellows, or carry his share of property out of the original stock.

This *solidarité* existing between the members of a tribe is further illustrated by the commentary in page 69, which seems to have no immediate connexion with the text, except the reference in the latter to the distinction between acts of necessity, *i.e.*, "crimes of inadvertence and unnecessary

\* There appears to have been an exception to these rules in the case of a pilgrimage, which was included among the seven "necessary desertions;" for the commentary in page 73 states:—"If his soul's friend has enjoined upon him to go on a pilgrimage after the murder of a tribe-man, or murder with the concealment of the body. If it be after consulting his own church that he has gone on a pilgrimage, whether he has left 'ceannaighe'-goods or not, whatever he leaves to the church to which he goes, be it ever so much, is *due* to it. If, however, he has not consulted with it (*his own church*), his 'ceannaighe'-goods, if he has any, *due* to his original church."

profit," and of non-necessity—"intentional crime and such as was not deserved *by the injured party*." The fines payable in respect of either class of crimes, upon the failure of the property of the criminal himself, were payable by his tribe, "as they divide his property." The only difference in the mode of treating the two classes of crimes was that in the case of a crime of non-necessity, the criminal himself was given up, with his cattle and his land, to the injured party.

If a child was "offered to a church for instruction," the church acquired an interest in him as a future member; and if the father removed his son from the church to which he had been offered, the church was entitled both to payment for his fosterage and to honor-price and body-fine; and thus the removal of the student from the institution was treated as equivalent to the death of one of its members. The amount of the compensation payable to the church would naturally depend, not so much upon the rank of the student, as on that of the church itself, and therefore there was a distinction drawn between the amount payable to a noble church and to a 'cill'-church.\* It is difficult to understand what is the meaning of the commentary—"His land, moreover, along with himself, *are due* to the church from which he is taken, unless he is ransomed from it." There is no means of ascertaining how far a student, upon taking monastic vows or ordination, carried into the church the property of which he was possessed; and it seems very improbable that his rights in tribe land should be transferred to an ecclesiastical or monastic body. It appears that, if a student were killed, his body-fine was paid, not to the church, but to the tribe; but "the *lay* chiefs shall not obtain anything of what the 'cain'-law adds to the *body-fine*." The text upon this passage in the commentary is—"Chieftains shall not come

\* The act of a father, who reclaimed his son from the church, was similar to the claim by the adulterer against the husband of the mother for the possession of the person of an adulterine bastard. The rules of law applicable to both cases were identical. The law of adulterine bastardy is treated at length in the subsequent introduction to the Book of Aicill.

against the church;" and the meaning may be, that the church received whatever compensation would, under the 'cain'-law, have been payable to the chief, if the slain had been a layman. This rule of the Brehon law is illustrated by the fifth paragraph of the decrees of the Council of Cashel (A.D. 1172), viz. :—"In the case of homicide committed by laymen, when it is compounded for by the parties, none of the clergy, though kindred to the perpetrators of the crime, shall contribute anything," &c. (*Girald. Camb. Ex. Hib.*, chap. 35.)

The priest or monk did not, by entering into orders, escape from the liabilities arising from the tribe relationship; and, similarly, it was the tribe, and not his church, to which the compensation for his death was payable. As the church acquired certain rights in the student whom it educated, so it incurred the correlative duty of supporting and instructing him. In the case of the death of a student, "if it was it (*the church*) that did not feed him after knowledge of his hunger, it will be body-fine or honor-price, or full fines and costs, *that will be due.*" There is a distinction drawn between the student's "own church" and a strange church. The former term evidently expresses the relation which existed between a church established upon the land of a tribe and the lay members of the tribe. It possessed the right that such of the lay tribe as took orders should enter into its body. "If he (*the son to be educated for the ministry*) has been offered to his own church for instruction, and for being in the service of God therein, and she did not receive him, and he then is educated in another church, he is forfeited by her (*his own church*) to the church that has educated him, until his original church pay the price of his education." On the other hand, "his own church" educated the student on better terms than could be obtained elsewhere, "If his father does not offer him to his own church, it is the father that shall pay the expense of his education."

The remainder of the tract, from page 73 to the end, deals with the law of succession to an abbacy, which, as a free election of the abbot by the monks was unknown to the early Irish monastic system, involved numerous complicated rules



to determine the respective rights of the Church and the lay tribe. To understand these rules, it is necessary to bear in mind the mode in which the early Irish monasteries were established and endowed, of which we have an example in the account of the founding of the monastery of Armagh in the life of St. Patrick. The chief, representing the tribe, gave to the saint a portion of the tribe land for the foundation of a monastery. The gift was made out of the land of the tribe, to the saint personally, and for a definite object. The transaction was quite different from the gift of land to a monastic corporation. The saint, and not the corporate body, was the original grantee. The lay tribe, the original owners of the land, parting with their land for a specific purpose, retained their property in the land subject to its being used for the purpose to which it had been originally devoted, and possessed certain rights against the Church, (viz., that the divine services should be performed, and education given to students of the tribe, &c.,) and the right of succession to the abbacy in certain contingencies.

The abbacy on a vacancy passed to the tribe of the patron saint (the founder) "as long as there shall be a person fit to be an abbot of the *said* tribe of the patron saint; even though there should be but a psalm-singer of them, it is he that will obtain the abbacy." By the tribe of the patron saint must here be intended the tribe of which he himself had been a member, and not the artificial monastic tribe of which he had been the head; for the tribe of the saint might forfeit their privilege by neglect to claim during the time of prescription. In default of any person of the tribe of the saint fit to succeed to the abbacy, the right of succession passed to the tribe upon whose tribe-land the monastery had been established, subject to the condition that if there should be any member of the tribe of the saint *better* qualified, he should be substituted for the abbot of the tribe to whom the land belonged. If the patron saint or founder had been a member of the tribe to whom the land belonged, he was described as being on his own land. The right of the tribe of the saint was claimed through the founder, for he could

release the rights of his tribe to the succession in favour of the tribe to whom the land belonged; in which case the order of succession was inverted, the tribe of the saint taking next after the tribe to whom the land belonged. In the same manner, if the tribe to whom the land belonged acquired by prescription the right to the abbacy as against the tribe of the saint, the right of the latter was only postponed, not extinguished. If no fit person of the two first classes were found, the succession passed to the "fine-manach," or monk tribe who occupied the monastery, subject to a similar condition in favour of the two preceding classes. The right to the abbacy, in the absence of any fit person of the three preceding classes, passed successively to the 'annoit'-church, a 'dalta'-church, a 'compairche'-church—the several religious establishments bound to the church in question by the artificial ecclesiastical relationship before alluded to. All parties having claims to the succession being exhausted, a neighbouring 'cill'-church might supply the vacancy; and in the extreme case of no fit person being found in any of the above classes, a "pilgrim," i.e., any qualified person arriving on the spot, was entitled to assume the abbacy, as a "general occupant." Although any member of the tribe of the saint, or of the tribe to whom the land belonged, if more worthy than the abbot belonging to the classes lower in the scale, might displace the abbot in actual possession, it does not seem that any of the other classes exercised this right against those lower in the scale than themselves. When the abbacy passed to any class inferior to that of the "fine-manach," the rights of such an abbot must have been much restricted; for, "while the wealth of the abbacy is with an 'annoit'-church, or a 'dalta'-church, or a 'compairche'-church, or a neighbouring 'cill'-church, or a pilgrim, it (*the wealth*) must be given to the tribe of the patron saint, for one of them fit to be an abbot then goes for nothing."\*

\* In the case of an abbey founded by a foreign saint, e.g. St. Patrick himself, there would not exist any tribe of the saint; the tribe, upon whose land the monastery was founded, would, therefore, possess the primary right to the abbacy. The succession to the abbacy (or archbishopric) of Armagh is thus explained, without the supposition that the rights of the church were invaded by the members of the lay tribe.

An abbot of any of the four inferior grades was obliged to bring in his property in some manner for the benefit of the monastery; "he shall leave all his legacy within *to the church*;" and the pilgrim at least was bound to give security on his entering into possession, and was subject to damages.

A distinction is drawn between a church founded by a saint and a 'cill'-church of monks. In the latter case the monastery may have been founded by, and the grant made to, several monks at one time, as joint tenants. In such a church there could be no founder's tribe, and the artificial monk tribe took the first place in the order of succession.

As to the mode in which the abbot should be selected out of the members of the class to which he belonged, there is no information given. From the last section we learn that "the order of the succession by lot shall not devolve upon the branching tribes when there is a person better than the others;" it may be hence assumed that where no such marked superiority existed, the choice by lot was not unknown.

These rules of succession to an abbacy explain the constant succession of abbots sprung from the tribe "to whom the land belonged." The enjoyment of the office of abbot by members of the lay tribe is shown, not to have been an usurpation by the laity upon the monastic body, but the legitimate exercise of a legal right, resembling the right of nomination to a church or parish enjoyed by the original benefactor and his representatives.

The portion of this tract, which deals with ecclesiastical matters, is among the most interesting remnants of early Irish law. It is too fragmentary to enable us to form a complete idea of the organization of the Irish Church. Many of the rights claimed for the Church may have existed in theory rather than practice; many of them are not as generally applicable as the text would seem to assert; but the peculiar spirit of the Celtic Church organization is exhibited with a distinctness hitherto unknown.

The early missionaries to the other European nations

beyond the limits of the Roman Empire, introduced at once Christian doctrine and Latin organization. Into Ireland Christian doctrine was introduced, but the organization of the Church developed itself in accordance with the principles of the civil society in which it was established.

As the nation was split into independent tribes, the Church consisted of independent monasteries. The civil chaos, out of which society had not yet escaped, was faithfully reproduced in a Church devoid of hierarchical government; intensely national, as faithfully reflecting the ideas of the nation; but not national in the ordinary acceptance of the term, as possessing an organization co-extensive with the territory occupied by the nation.

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# INTRODUCTION TO THE BOOK OF AICILL.

THIS Book professes to be a compilation of the opinions (*responsa prudentium*) of Cormac and Cennfaeladh.

Cormac, having been accidentally blinded in an affray at Temhair, became incapable of retaining the sovereignty, which was given to his son Coirpri Lifechair, and retired to Aicill, now the hill of Skreen, in the county of Meath. In difficult cases he was consulted by his son, and hence his answers to the questions submitted to him commence with the words, "My son, that thou mayest know." The date of the reign of Cormac according to the received chronology, is from A.D. 227 to A.D. 266.

Cennfaeladh, the son of Oilell, having been wounded at the battle of Magh Rath (Moirá) in the year 642 A.D., was brought to be cured to the house of Bricin of Tuam Dreacain, now Toomregan, in the county of Cavan. This town was then the residence of certain professors of literature, law, and poetry, and what he there learned Cennfaeladh noted and transcribed into a book.

Such are the origin and date attributed to the dicta which form the original text of this work. The date at which they were collected and commented upon is a very different matter.

The Book commences with a philological and metaphysical discussion upon the derivation and several meanings of the word "eitged," in which the author professes an acquaintance with the Hebrew, Greek, and Latin tongues, and the logical definitions of the schoolmen; his learning, however, is neither extensive nor very profound, and it may be hoped that it is not to be taken as a specimen of the education given in the ancient Irish schools.

The scope of the work is to collect in a digest the leading authorities upon the subject of "eitged," a word now obsolete,



and therefore left untranslated. It is possible from the various definitions and classifications of it to gain a tolerably clear idea of the original meaning of the word, which must have become technical at the date of the author. "Its import, *i.e.*, its true meaning," we are informed, "that which is not obvious in the word itself, can be found through investigation, as 'eitged,' *which means* criminal, and 'eitged,' *which means* exempt." It seems to belong to that class of words in many languages, which at first indicate something merely unusual, and are subsequently used to indicate impropriety or criminality. The idea is, that of any act which is contrary to or an exemption from the ordinary rule, which breaks through or overflows the limits set by custom or tradition. The meanings of the words *ὑπερφίαλος*, insolentia, monstrous, and trespass, have undergone a similar change. The law as to acts unusual, meaning thereby criminal, is the subject which this digest is intended to embrace. It may, however, be remarked that the word "eitged," in its primary sense, may be applied to a large portion of the text, which treats of the cases that from peculiar circumstances are exceptions from the general rule, and are distinguished by the author as "the exemptions."

The Book of Aicill may be considered as the code of ancient Irish criminal law. The term criminal can only be used with reference to the acts which are the subject of the law, not as defining the nature and object of the laws themselves. An act is criminal in the correct use of the word when it is regarded as an offence against the state, and distinguished from wrongs which are offences against individuals (delicts or torts). The distinction lies not in the nature of the act itself, but in the point of view in which the legislator regards it. The idea of a crime cannot arise until the idea of the state has been realised, and it gradually acquires definiteness as the duties of the state are more clearly understood. Even in civilised communities the distinction between crimes and torts, and the double aspect in which almost every wrong may be regarded, are very slowly and imperfectly appreciated. Theft was classed by Gaius among civil wrongs.

Among ourselves, when the wrong is of so aggravated a character as to amount to felony, the individual loses all right to compensation, an injustice avoided by the French law, which combines into one proceeding both the criminal and civil action.

The idea of the state as an existing entity, consisting of all the citizens, and defending the person and property of each against the others, was wholly unknown to early tribal communities. The several families who formed a tribe, although possessing common property and united defensively as against their neighbour, occupied inter sese the position of independent communities; there existed no sovereign bound to see that justice was done, no common tribunal to which an appeal might be had. Wrongs were resisted and avenged, if the parties who suffered them were capable of so doing. No *duty* compelled the other families, members of the tribe, to intervene in the dispute.\*

From the very earliest period the inconvenience arising from reprisals and vendettas must have compelled the other

\* To the members of a civilized community the vendetta, as still practised in Corsica and other semi-civilized countries, appears, and is rightly judged, to be a crime and violation of public order; in a primitive society on the other hand it is the only sanction by which life and property were secured.

"Dans les sociétés primitives, tout l'ordre social est concentré dans la famille. La famille a son culte, ses dieux particuliers, ses lois, ses tribunaux, son gouvernement. C'est elle qui possède la terre. Toute nation est composée d'une réunion de familles indépendantes, faiblement reliées entre elles par un lien fédéral très lâche. En dehors des groupes de familles, l'état n'existe pas. Non seulement chez les différentes races d'origine aryenne, mais presque chez tous les peuples la famille présente à l'origine les mêmes caractères. C'est le *γένος* en Grèce, la *gens* à Rome, le clan chez les Celtes, la *cognatio*, chez les Germains,—pour emprunter le mot de César.

"Dans les temps reculés où l'état avec ses attributions essentielles n'existe pas encore, l'individu n'aurait pu subsister ni se défendre, s'il avait vécu isolé. C'est dans la famille qu'il trouvait la protection et les secours qui lui sont indispensables. La solidarité entre tous les membres de la famille était par suite complète. La vendetta n'est point particulière à la Corse; c'est la coutume générale de tous les peuples primitifs. C'est la forme primordiale de la justice. La famille se charge de venger les offenses dont l'un des siens a été victime: c'est l'unique répression possible. Sans elle, la crime serait impuni, et la certitude de l'impunité multiplierait les méfaits au point de mettre fin à la vie sociale."—(*Les Formes Primitives de la Propriété*.—*Revue des Deux Mondes*, tom. 101, p. 39.)

members of the tribe to intervene to preserve the peace for the benefit of all ; but the action of the other members of the tribe is not in the character of a sovereign power possessing original jurisdiction, but in that of a friendly arbitrator desirous of arranging the differences between his friends, and the sentence of the arbitrator does not declare that the guilty party is liable to any punishment for the wrong, but awards that a certain amount of compensation, paid by the aggressor to the injured party, should satisfy the latter and be taken by him in lieu of his revenge. The measure of damages is not the loss actually suffered, but the amount of vengeance which the injured party, under the circumstances of the case, and in accordance with prevalent ideas and local customs, might be expected to take.

The award, when pronounced, was not legally binding upon either party, for the arbitrator had no means of enforcing his award, nor was there any civil power to which the injured party could appeal for the execution of the judgment. The jurisdiction of the judge, and the enforcement of his judgment, were derived from and had no other sanction than the public opinion. No legislator commands that any act should be done or foreborne, no civil power enforces the award of the arbitrator, but the public opinion of the village holds that the quarrels between its members should be compromised in a certain manner ; and the customary law is the public opinion carried out into practice. The lower the stage of civilization, the more are the actions of men in accordance with the custom ; the individual member of a tribe, whose ideas have never wandered beyond the limits of his village, thinks as his neighbours think, and therefore acts in accordance with, rather than obeys, the custom.

If the guilty party does not pay the amount awarded, the community does not compel him to do so, but the injured party is remitted to his original right to avenge his own wrongs by reprisals or levying of private war. The aggressor or defendant, if he decline to fulfil the award made by the arbitrator, and be supported by his family, may resist if able to do so, or abandon the community and become an

outlaw, his life being forfeit to the avengers if they discover his retreat.

As the social unit was the family, the family of the murdered man claimed the damages for his death, and the family of the wrong-doer were in a secondary degree bound to pay the damages awarded against him. When in a later stage of the development of law the kinsmen of the wrong-doer were *compelled* to pay the damages, which the principal neglected to pay, this *solidarité* existing among kinsfolk was regarded as a burden and obligation; in an earlier stage it may have been of advantage that the other members of a family could buy off the consequences of the feud brought upon them by one of their own members.

When the wrong-doer himself neglected or was unable to pay the compensation, two courses were open to the members of his family, either to pay the amount themselves, or to deliver up the wrong-doer to the party offended. In the *Corus Bescna* distinct allusion is made to the delivery to the injured party of the wrong-doer and all his goods. By such an act the party injured was left at full liberty to work out his vengeance on the captive as he pleased. This is clearly shown in the present tract in page 485—"Thou shalt not kill a captive unless he be thine. That is, the captive who is condemned to death. It is lawful for the person who had him in custody to kill him; and the person who assisted him is exempt, if the person in whose custody he was were not able to kill him; but if he was, fine for an unjust death is *due* from him who assisted him; this is obtained by the family of the captive."

This passage clearly shows that the wrong-doer, when handed over to the person whom he had injured, could be put to death by him with impunity; but that the right to put him to death was purely personal is shown by the fact that a third party, assisting unnecessarily in the killing of one who had done him no personal injury, became himself a wrong-doer. In the case of manslaughter, the nature of the compensation given by the wrong-doer varied with the mode in which the duty, or the rights of the kindred of the



slain were regarded. The kinsmen might be considered as either having the duty of revenge thrown on them, or as being themselves entitled to compensation for the injury done to the family. The mode in which the custom would effect an arrangement between the parties would naturally differ according to these respective views of the rights and position of the family. In the Levitical Code the right of vengeance to be exercised upon any shedder of blood is expressly admitted; but a refuge is provided for the involuntary slayer, to which if he attains, he is secured a trial, and if acquitted of malice, sheltered for a certain space, until the death of the high priest, which is treated as a fixed period of limitation. Among the Maoris, whose customs are singularly illustrative of early law, the difficulty is met by a constructive death of the slayer, who is publicly wounded by the avenger, and thereupon considered as dead; his goods are divided among his tribesmen as in the case of actual death, and he is re-admitted by adoption into his original tribe. In most early codes with which we are acquainted, the idea of compensation predominates over that of the duty of revenge, and the transaction is reduced to a pecuniary payment, which, in a subsequent period, is regarded as a fine.

In one point of view only was an act of violence regarded in early law as a matter cognizable by the whole body of the people, viz., when the act was regarded as a sin calling down Divine punishment upon the entire community. The necessity of the purification both of the individual and the community from the sin is manifest in the early laws of both Rome and Greece; but the offence was brought under the notice of the community as a sin against God, not as an injury to an individual. Such, probably, was the jurisdiction of the Areopagus at Athens; and at Rome, apparently, from a very early period, the Pontifical jurisprudence punished adultery, sacrilege, and perhaps murder. In those early customary codes which were compiled after the introduction of Christianity, the treatment of certain acts as sins, and as such affecting the community, has been re-



jected, the consequences of, and the purification from, sin being regarded as lying exclusively between the Divinity and the sinner himself. To the influence of Christianity also may be attributed the preponderance which, in such codes, the right to compensation acquires over the duty of vengeance.

The amount of the payment to be made in any case, representing the revenge which would probably be taken by the injured party, must be the result of various fluctuating factors. The actual power and rank of the injured person and his family, as the measure of the power to revenge wrong, form the most essential element; the actual wrong inflicted, the place in which it was inflicted, the circumstances attending its occurrence, the intention of the wrongdoer, and the degree in which the injured party was himself, by his negligence or otherwise, a cause of what occurred, would all be elements of the calculation. In addition to the payment to the injured party, the remuneration of the arbitrator would have to be provided for; this might be effected by either a charge upon the amount of damages recovered, or a payment to be made by the unsuccessful party.\* When at a later date a permanent tribunal was

\* The subjoined, anonymous and undated, constitution, which appears among the laws of King Wihtraed, in the *textus Ruffensis*, is remarkable both as illustrating the mode in which damages were estimated, and also the extent to which the local customs of a semi-barbarous society overpowered in the minds of the clergy the traditionary principles of Roman and canon law. Wihtraed, according to Bede, died in the year 725 A.D.—(Eccl. Hist., B. 4, chap. 24):—

CONSTITUTIO QUOMODO DAMNA ET INJURIE SACRIS ORDINIBUS ILLATA SUNT  
COMPENSANDA.

I. Septuplicia sunt dona spiritus sancti, et septem gradus sunt ecclesiasticorum ordinum et sacrarum functionum. Septem etiam vicibus dei ministri deum quotidie laudare debent in ecclesiis et pro universo populo Christiano diligenter intercedere. Et ad omnes dei amicos quam maxime pertinet, ut ecclesiam dei diligant et honorent, et dei ministros pace ac concordia tueantur. Et si quis illis damnum intulerit verbo vel facto, septuplici compensatione diligenter compenset, pro ratione facti et pro ratione ordinis, si dei misericordiam promereri velit.

II. Sanctuarium etenim et ordines sacri et sancta dei domus ex timore dei sedulo honorari debent. Et ad compensationem ordinis violati, si vita damnum patiatur, præter justam capitis æstimationem primus gradus, compensetur una libra, et cum pia satisfactione veniam ille exoret sedulo.

substituted for an arbitrator *ad hoc*, the payment to the arbitrator for his time and trouble was reduced to a fixed payment and considered as a fine; but it is clear that originally the State did not take from the defendant any sum as a composition for any wrong supposed to be done to itself, but simply claimed a share in the compensation awarded, as the payment for service rendered.

In all essential principles the ancient Irish and the ancient English (Anglo-Saxon) criminal law were the same; but in England, as elsewhere in Europe, the law of crimes was, as the necessary consequence of the establishment of vigorous central governments and of the knowledge of Roman law, altered by the distinction of crimes and torts being more or less acknowledged. The anarchical condition of the Celtic race in Ireland prevented the idea of the State from taking root among the natives of that country, and as the necessary consequence, all acts of violence or wrong were treated as torts, and never as crimes. The English settlers, unaware that their own ancestors some centuries earlier had entertained the same opinion, treated the Irish criminal

III. Et ad compensationem ordinis violati, si vita damnum patiatur, præter justam capitis æstimationem secundus gradus duabus libris compensetur cum ecclesiastica confessione.

IV. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem tribus libris tertius gradus compensetur cum ecclesiastica confessione.

V. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam æstimationem capitis quarto gradui quatuor libræ solvantur.

VI. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem quintus gradus quinque libris compensetur cum ecclesiastica confessione.

VII. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem sextus gradus sex libris compensetur cum ecclesiastica confessione.

VIII. Et ad compensationem ordinis violati, si plena pacis violatio fieret, præter justam capitis æstimationem septimus gradus septem libris compensetur cum ecclesiastica confessione.

IX. Et ad compensationem ordinis violati, si pax semifracta fuerit, compensatio fiat sedulo pro ratione ejus quod factum est. Jure judicandum est juxta factum, et moderandum juxta dignitatem coram deo et coram sæculo.

X. Et compensationis violati ordinis pars una episcopo, secunda altari et tertia societati tradatur.

code as something altogether unnatural and iniquitous. A certain mystery, therefore, has been supposed to be connected with the Brehon criminal law, and Irish antiquaries have been accustomed to speak of this system as peculiar to the Celtic race and quite abnormal in its character. This belief was not entirely exploded until the comparative study of the laws of early nations, so recently commenced and so successfully pursued, had taught us that the laws of all the early Aryan tribal communities were almost identical in their principles, and that if some of the laws of such a community were abstractedly stated, it would be impossible to pronounce with certainty whether they were derived from the banks of the Ganges or the shore of the Atlantic. Every archaic code exhibits the same principles with peculiar variations, and not only illustrates the social life of the people among whom it prevailed, but also throws new light upon the customs of other nations in a similar stage of civilization.

The ancient criminal code of Ireland has been comparatively unstudied; it was known that it consisted of a complicated system of pecuniary compensation, but the principles of the calculation, and their application to individual cases could not be ascertained so long as the present work remained unpublished. Sir H. S. Maine, in his work on ancient law, states that "The Teutonic codes, including those of our Anglo-Saxon ancestors, are the only bodies of archaic secular law which have come down to us in such a state that we can form an exact notion of their original dimensions."

The Brehon criminal law is, for reasons peculiar to itself, worthy of study, and exhibits more completely than any other archaic code the ideas of an early society as to the whole body of acts included under the names of crimes and torts.

The Irish customary law was collected and recorded in writing at a period as early as, if not earlier than, that of any of the Teutonic codes which have come down to us. The missionaries who introduced Christianity into the island

were few in number, and, probably, themselves very imperfectly Latinized; the doctrines of Christianity were not forced upon the natives by any foreign power, as was the case in Germany. The early tribal system of society was never effectually broken up, nor were the legal ideas of the people modified by the introduction of principles derived from the civil law. If the Irish nation had been reduced under the rule of any single monarch, it is probable that their criminal law would have been independently developed in the same manner as we find to have been the case in other nations; but unfortunately the idea of a national sovereignty never took root, and therefore the conception of the State was never attained by the Irish Celts. The archaic criminal law remained practically unaltered in Ireland from the date of the earliest notices of its existence down to the final suppression of the Irish tribal system at the commencement of the seventeenth century. It cannot be asserted that the internal social condition of the tribes continued unaltered during this period, but rather that their ideas as to criminal law were never developed.

In Ireland, the study and administration of the law being the monopoly of a separate hereditary caste, the traditional rules of the law and the opinions of celebrated lawyers were preserved in writing and commented upon in a manner peculiar to the Brehon system. If we compare the rules of the early Teutonic codes as to crimes or torts with the Brehon law books, we shall find the difference between the nature of the documents to be striking. The former consist of simple principles or enactments, being probably mere collections (made by the authority of the king whose name they bear) of the old customs handed down by tradition. The ancient customary law of the Irish consisted of similar rules of uncertain origin, collected not by any sovereign authority, but by the practitioners of the law, and continuously commented upon by lawyers, in the same manner as a barrister notes up in his text-book the latest authorities.

There was not among the Irish any sovereign authority



competent to enact a new law; the customs were assumed to exist, and the early text was taken to represent the custom correctly. There was not, further, any tribunal of original jurisdiction whose decisions could be received as of binding authority. The mode, therefore, in which the archaic Irish customary law was worked out was very similar to the effect of the *Responsa Prudentium*—the answers of those learned in the law—upon the Decemviral Roman law.

The course which the Irish law pursued is described, with certain modifications to be hereafter noticed, in Sir H. S. Maine's account of the effect upon the Roman law of the *Responsa Prudentium*:—"The form of these responses varied a good deal at different periods of the Roman jurisprudence, but throughout its whole course they consisted of explanatory glosses on authoritative written documents, and at first they were exclusively collections of opinions interpretative of the Twelve Tables. As with us, all legal language adjusted itself to the assumption that the text of the old code remained unchanged. There was the express rule. It overrode all glosses and comments, and no one openly admitted that any interpretation of it, however eminent the interpreter, was safe from revision on appeal to the venerable texts. Yet in point of fact, Books of Responses bearing the names of leading jurisconsults obtained an authority at least equal to that of our reported cases, and constantly modified, extended, limited, or practically overruled the provisions of the Decemviral law. The authors of the new jurisprudence during the whole progress of its formation professed the most sedulous respect for the letter of the Code. They were merely explaining it, deciphering it, bringing out its full meaning; but then in the result, by piecing texts together, by adjusting the law to states of fact which actually presented themselves and by speculating on its possible application to others which might occur, by introducing principles of interpretation derived from the exegesis of other written documents which fell under their observation, they educed a vast variety of canons, which had never been dreamed of by the compilers of the Twelve Tables

and which were, in truth, rarely or never to be found there."\*

The surrounding circumstances and the education of the early Roman lawyer and the Irish Brehon were very different. No new ideas of law or philosophy were introduced from foreign sources into the law schools of the Brehons; no intercourse with foreign nations brought under their notice the legal principles which educe themselves from an observed conflict of laws. The civilization of the roving Scandinavian was inferior to their own; the law of the Norsemen in their original settlements, though better in its practical working, was identical in principles with their own. The system of law introduced by the English was too different from the native Irish law to be fused with it, and was therefore naturally repudiated in its entirety by the Brehon lawyers. The profession of the law in Ireland being the possession of a caste, law was studied and applied in the spirit of a close corporation, and reduced as far as possible to an occult science. Under these circumstances it is not extraordinary that Irish criminal law assumed the form in which it appears in the ancient Brehon tracts. The root of the Brehon law is the archaic custom preserved in the collections made for their own convenience by professors of law. This custom was not and could not be abrogated or altered. Owing to peculiar circumstances, it never was naturally developed, but was continually increased in bulk by the efforts of the commentators, who in their commentary had no desire to improve, but solely to exhibit the application of the custom to any possible contingency. In such speculations they display a fatal delight in arithmetical operations. As the "law" of each case resolved itself into the calculation of the amount of damages, which was the result, as before stated, of constantly varying factors, the possible combinations of which were practically infinite, the Brehon lawyers had an unlimited field for their legal speculations; but, however prolonged their labours, they could not from their very nature have brought any improve-

\* Ancient Law, pp. 33, 34.

ment to the administration of justice, or have met any social want of the nation.

The Brehon law, although buried in a mass of technical commentary, still retains in matters criminal the peculiarities which distinguish an archaic from a more modern code. The narrowness of view of the Brehons, which reduced their commentaries to a mere logical development of forms, preserved the criminal law free from the introduction of those ideas which have become so familiar to us that we believe them to be the first and necessary elements of jurisprudence.

The features of early law in criminal matters, which come out with peculiar clearness in the Brehon law tracts, and especially in the present work, may be summed up as follows:—(1), the entire absence of any legislative or judicial power; from which it follows (2), that the law is purely customary, and theoretically incapable of alteration; and (3), that all judicial authority is purely consensual, and the judgments are merely awards founded upon a submission to arbitration, whose only sanction is public opinion; (4), that all the acts defined by us as crimes are classed as torts; and (5), that the form which all judgments assumed is an assessment of damages.

The procedure by which redress for an injury was obtained under the Brehon law explains at once the position of the judge and the nature of his judgment.

The injured person did not apply to the civil power for redress, for there was no magistracy or police; he could not issue any summons or writ to bring the wrong-doer before a judge, for there were no tribunals whatsoever; he was at liberty to take the law into his own hands, and redress himself. No one would have prevented him from doing so; but it was the custom, or the local public was of the opinion, that a person who had been injured should not himself revenge the wrong suffered, but rather be indemnified by damages. The first step was to induce the wrong-doer to enter into a consent to submit the matter to arbitration; this was effected by the solemn process of a distress, explained

so fully in the preceding volumes. The levying a distress was a public reprisal, an assertion of the plaintiff's right to revenge the wrong suffered. Or the plaintiff, abstaining from an act which, although ultimately a mere form, had originally been a proceeding by force, might appeal to the miraculous interference of Providence by fasting upon the aggressor. The levying of the distress and the fasting would in the end be no more realities than were the entry and ouster in an English ejectment. The submission to the technical act of retaliation, and the yielding to the demand of the starving suppliant, were originally voluntary acts of the wrong-doer, enforced alone by the sanction of public opinion. The whole dispute between the parties is here-upon submitted, not to an official or judicial person, but to the member of that family which has preserved the traditional customs and acted as usual arbitrators, thus securing the same monopoly of the judicial business which the village smith or doctor enjoyed in respect of their several occupations. The Brehon, at the request of the parties, proceeds to settle all the existing differences between them. In the vast majority of cases, the settlement of their existing differences amounted simply to awarding damages for the wrong committed; but various reprisals and acts of violence might have occurred before the submission to arbitration, or the wrong-doer might have had some old complaint of his own to be brought forward as a set-off; in such cases the Brehon took an account between the parties. Every injury on both sides being duly credited or debited at a fixed amount, he then struck a balance which represented the sum, upon the payment of which all complaints between the parties were satisfied. The Brehon was paid out of the amount of damages awarded by him.

The primary elements in the calculation of the amount of compensation were the nature of the wrong and the rank or power of the parties. Every possible wrong was calculated according to a fixed ratio, the scale of the taxation depending upon the rank of the parties, and an additional personal compensation, independent of the nature of the injury, but with



reference to the rank of the injured party, was introduced as a separate item into the account. Such a stated account is detailed in the Commentary on the *Senchus Mor* (vol. i., p. 77):—"A balance was struck between the crimes, here i.e., Eochaidh Belbhuidhe was killed while under the protection of Fergus, who, being the king of a province, was entitled to eighteen 'cumhals,' both as 'irar'-fine and honor-price for the violation of *his protection*; there were *also* due to him nine 'cumhals' for his half 'irar'-fine and half honor-price, in compensation for Dorn having reproached Fergus with the blemish, for he was not aware that he had the blemish; so that this was altogether twenty-seven 'cumhals' to Fergus. Honor-price was demanded by the *Feini* for the killing of the pledge, for the pledge they had given was a pledge without limitation of time, and for it twenty-three 'cumhals' were payable by him for 'irar'-fine and honor-price. For the authority of Fergus was opposed at that time. Buidhe, son of Ainmirech, was entitled to honor-price for the killing of his daughter, i.e., he was an Aire-Forghill-chief of the middle rank, and was entitled to six 'cumhals' as honor-price. Her brother was also entitled to honor-price for her death; he was an Aire-ard, and was entitled to four 'cumhals' as his honor-price; so that this which the men of the South demanded amounted to thirty-three 'cumhals,' and the men of the North demanded twenty-seven; and a balance was struck between them, and it was found that an excess of six 'cumhals' was due by the men of the North, for which Inbher Debbhline was again restored by the men of the North."

If the facts of the case were established, the skill of the Brehon lay in discerning what were the proper items to be introduced into the account, and the scale in which they were severally to be assessed. The great body of the present work therefore consists of statements of the mode in which wrongs of all possible descriptions are to be charged, the possible items to be introduced into such accounts on either side, and leading cases of accounts so taken as precedents to be followed. For such a purpose allusions are made to, and

illustrations drawn from, the ordinary social life at the time ; and thus a vast amount of information as to the state of society is collected.

In the absence of any metallic currency the fine was calculated in cumhals, which were the conventional units of value.\* The 'cumhal' originally signified a bond-maid, and subsequently denoted any goods equivalent in value to a bond-maid, the price of whom was supposed to be three cows. If either the payer or payee had the power of electing in what particular articles the payment should be made, considerable inconvenience might have been caused to the opposite party. To prevent this the rule was established, that in the case of what would now be called unliquidated damages, the payment, when it exceeded a certain amount, should be made in different sorts of goods in certain fixed proportions. Half a cumhal was payable in one species of goods, one cumhal in two species of goods, in both of which cases it is to be presumed that the payer had the election of the form in which the payment was to be made. When the amount was "cumhals," that is three cumhals and upwards, the payment was made in three species of goods, viz., one-third in cows, one-third in horses, and one-third in silver ; and, further, one-third of the cattle were required to be male, one-third of the horses mares, and one-third of the silver by weight might be copper alloy. This mode of calculating value, archaic as it seems, still prevails among the Irish peasantry in the case of grazing contracts, in which, in lieu of a cow, the owner of the cattle may substitute calves, sheep, or geese in a fixed ratio. The mode of paying damages in mixed goods did not apply in proceedings founded upon an express contract to furnish a specific article or class of articles, except in the case where the purchaser had, and the speculative vendor had not, notice that the specific articles could not be procured in the market.

\* The 'cumhal' must have varied in different districts. In page 109, the commentator, quoting some custom or maxim says, "the 'smacht'-fine for being without 'teist'-evidence is a cow or a 'cumhal'; and the 'cumhal' here means the fourth part of seven 'cumhals.'" The local custom or author made use of a local currency in the estimates.

The first case discussed in the present tract is that of homicide, a subject which takes precedence as well from its importance, as from the simplicity of the account to be taken.\* As to the nature of the deed itself, homicide was divisible into the two classes of simple manslaughter and murder, the difference between which lay in the existence or absence of malice aforethought, the fine in the latter being double what it was in the former case. The commentary discusses the case of a homicide with or without concealment or secrecy. The secret homicide was one committed "among neighbours," (that is, in a place where the body would be at once discovered,) when it was concealed with the object of escaping detection, or when the homicide took place in a remote place, where the body was not likely to be discovered, and the guilty party did not before detection give notice of the fact. The concealment in the former case was defined as an act subsequent to the homicide, and done with the view of concealment; if the difficulty of finding the body arose from the nature of the homicide, it was not technically a concealment.

The homicide and concealment being two distinct and consecutive acts, might be committed by one person or by two different persons. The accessory to a homicide was also liable in damages, but a person might be an accessory to both or one of the above-mentioned acts, viz., the actual homicide or the subsequent concealment. If all the parties to the transaction were of the same rank in society the calculation of the result may be made without much difficulty. The commentary takes first the case of a native freeman, by which we must understand a full member of the tribe, a *ceorl* in the original use of that term. For the homicide

\* This text and commentary treat all homicide as subject to the rules of 'eric'-fines; malice aforethought merely doubles the amount payable by the slayer. The commentator in the *Corus Bescna* treats homicide and all other wrongs done with malice aforethought as exceptions to the ordinary law, and states that the slayer should be given up, with all his goods, to the family of the slain. This statement in the *Corus Bescna* is perhaps a further instance of the Ecclesiastical, or rather Levitical spirit apparent in that work, and, with other passages, strengthens the suspicion that much of the law there laid down is what the authors believed ought to be the custom rather than what they found actually to exist. (*Corus Bescna*, ante, p. lvi.)

simply, the guilty person paid the amount of his own honor-price (his "wer" in the English law), and the fine (body-fine) of seven 'cumhals'\* as the compensation for the death, which corresponds with the "bōt" of the early English law; for the concealment of the body the guilty person, whether the same as, or other than, the original slayer, paid also full honor-price and a fine of seven 'cumhals'; the result of which was that the native freeman when guilty of murder paid double his own honor-price and fourteen 'cumhals.' If, however, the body was found, the fine for concealment, but not the honor-fine, was remitted. A witness to either or both of the acts of homicide and the concealment, if a native freeman, was liable to one-fourth of the damages payable by a principal, subject to the reservation, that if the body were discovered the fine for concealment was remitted. The amount of the honor-price in all these cases depended upon the rank of the person chargeable with the payment, not of the person guilty of the act. If the rank of the parties to the transaction were other than that of freemen, the calculation became much more complicated. The original text merely states that the fines are doubled by malice aforethought, and contains no table of what the exact amounts are. The commentary, though more consecutive than usually is the case, contains rules contradictory to each other as to the amount of the payment; these varying statements probably represent the application of the general principle contained in the text to diverse local customs; it is therefore impossible to calculate with any certainty the amounts payable in every combination. But the following are presented as the deductions which may be drawn from the commentary. The value of a freeman being taken as the unit, a stranger, a freeman who resides in the tribe, but is not of the tribe, is valued at four-sevenths; a foreigner, a freeman not of the

\* It is difficult to understand that the fine for the slaying of any freeman should be seven 'cumhals,' inasmuch as the commentary upon the next section of the text defines the septenary grade as consisting of those, *e.g.*, a bishop or chief professor, &c., who were entitled to a fine of seven 'cumhals' of penance and seven 'cumhals' of *eric-fine*. The *eric* of a bishop or chief professor must have exceeded that of a simple freeman.



tribe, or permanently residing in it, is rated at two-sevenths\* and one-fourteenth; a 'daer'-man is valued at the one-seventh of the value of the man in whose hand he was. Seven 'cumhals' being taken as the amount of the fines payable by a freeman for the homicide of a freeman and for the concealment of the body, the amount would be rateably diminished in proportion to the rank of the slain or of the slayer. That the rank of the slain affected the amount is evident, not only from the analogy of similar codes, but from the passage, "It is for the concealing of *the body* of a native freeman *the fine* of a 'cumhal' is *due*; and four-sevenths of it (*the 'cumhal'-fine*) for the concealing of *the body* of a stranger; *it is* two-sevenths and one-fourteenth (*of the same*) for the concealing of *the body* of a foreigner; a seventh only for the concealing of *the body* of a 'daer'-man."†

The actual amount which could be recovered for the death of any person is made the unit upon which fines for lesser injuries are again calculated, and the full body-fine is in the *Corus Bescna* treated as the maximum of damages a father could recover from the son, who, having received his father's property on the condition of maintaining him, had failed to do so.

The variation of the fine in relation to the rank of the criminal appears in the following passage‡:—"This is *the fine*

\* From the commentary in page 129 it would seem that a freeman who leaving his property goes into another tribe (the evident meaning of which is that he was only temporarily absent) loses one-half of both honor-price and body-fine i.e., his honor-price and body-fine are less by one-half under such circumstances.

† Page 103.

‡ The principle that the amount of the damages should be affected by the rank of the guilty party seems at first unusual, but it appears in some passages of the early English law; thus in the second section of the secular laws of Edgar, the passage occurs, "If the law be too heavy, let him seek a mitigation of it from the king; and for any 'bōt'-worthy crime, let no man forfeit more than his 'wēr';" the force of which provision lies in the distinction between the 'bōt' and the 'wēr,' and the passage therefore means "the amount of damage to be recovered against any guilty person shall never exceed the amount of the 'wēr' which might be claimed by his family in the event of his murder." If the existence of this principle be borne in mind, the usual objections to the text in the 7th section of the laws of Æthelbirht disappears; and the rule, "If the king's 'ambiht-smith' (official smith) or 'land-rinc' (guide) slay a man, let him pay a half 'leod-geld' (or 'wergeld')," is another instance of the status of the slayer being an element in the calculation of the damages. Great

*due* from the 'daer'-man of a native freeman for the concealing; four-sevenths of it *are due* from the 'daer'-man of a stranger; two-sevenths and one-fourteenth from the 'daer'-man of a foreigner; and a seventh of the seventh from the 'daer'-man of a 'daer'-man. How is it found out that it is a seventh of the seventh of a 'cumhal' which is *the fine* upon the 'daer'-man of a 'daer'-man for the concealing of the body, as no book mentions it? It is thus inferred: because seven 'cumhals' are *the fine* upon a native freeman for it; and a seventh of this, *i.e.* one 'cumhal,' is *the fine for the concealing* upon the 'daer'-man of a native freeman, it is fair that it is the seventh of the 'cumhal,' which is *the fine* upon the 'daer'-man of a native freeman for concealing, that should be *the fine* upon the 'daer'-man of a 'daer'-man for the concealing; and this is the seventh of the seventh."\*

The reported case of the ancient Brehon arbitration contained in the first volume is an authority entitled to much more weight than the present commentary; and it is not easy to reconcile that decision with the complicated rules contained in the commentary. The commentary in this and other passages of the present volume probably bears the same relation to the original law as the Talmud to the Pentateuch.

The infliction of a further injury upon the body in the act of concealing created a claim of an entirely new character. The body was held to be the property of the original church of the deceased. Whether this means the church or monastery

anomalies must have arisen if the principle be admitted that the rank of the criminal affected the amount of compensation to be paid by him. In a note upon the above-mentioned section of the laws of Æthelbirht, the editor of *The Ancient Laws and Institutes of England* remarks:—"I have sought in vain for an example where the 'were' is fixed, as on the present occasion, for men of all degrees and in favour of persons holding particular offices. The wer-geld was the property of a man's family. There might be grace in increasing it, but to lessen its amount in favour of any class of men would be little short of giving encouragement to the commission of the very crime against which the law is directed. Indeed such a principle is in opposition to the whole body of Germanic jurisprudence, in which the 'wer' and the duties connected with it may be said to be the corner-stone of the fabric."

\* P. 105. If this principle were carried out in the case of the murder "with malice aforethought" of the 'daer'-man of a 'daer'-man by the 'daer'-man of a 'daer'-man, the amount of damages to be paid by the slayer would be the equivalent of the decimal .0166 of the value of one cow.

situate within the land of his tribe, or a church founded by a member of his tribe, the honor-price, but not the body fine, which should have been paid to the deceased on account of such an injury if inflicted in his lifetime, was payable to the church to which he belonged; thus constructively the dead man was regarded as the member of the monastic church in which his remains should have reposed.

Inasmuch as the compensation to be paid by or to any person depended upon his rank in the community, it was important in every case to ascertain the real rank of the individuals connected with the transaction. If the status of the individual depended solely on descent, there would be no difficulty in the matter. The idea of rank or status is different in the case of a nation of unmixed descent and of one formed of a conquering superimposed upon a conquered race. In the latter case the test of nobility is purity of blood; a man remains in the rank in which he was born, and therefore a certain descent is a condition antecedent to the acquiring of nobility; such was the position of the Spartiate in Lacedæmon, or the patrician of Rome. But in a nation of one stock only, although a peculiar position is occupied by the ruling families, and although at an early period birth and nobility are associated, yet nobility does not confer the position occupied by one of a conquering in relation to the members of a conquered race; in such a nation property or personal distinction is considered as a sufficient foundation of nobility. Nothing indicates the completeness of the destruction or expulsion of the British nation before the English more clearly than the possibility of attaining social rank without any reference to birth. Although the early Irish history records successive settlements and invasions, it is certain that the Celtic population did not occupy the position of a conquering as contrasted with a conquered population. Naturally, therefore, in a legal point of view, rank was not the result of descent purely, but could be reached by one who possessed certain personal qualifications or property; it was therefore possible that personal status might from time to time be altered by circumstances

external to the individual himself—that, as the original text describes it, “The head of a king should be upon a plebeian, or the head of a plebeian upon a king.” Rank, as measured by the amount of the honor-price, might depend on the family, profession, or property of the individual. Professional rank might depend upon the position attained by the person in question—*e.g.*, a bishop or a chief professor; or, in the case of a retainer, upon the rank of the chief to whom he belonged, as in the Barbaric codes a “ministerialis” of the king, although taken from the servile class, had therefore an increased value. That the grade of an individual could be determined by the amount of his property appears from the rules subsequently laid down as to partnerships in the commentary, in page 143, where it is stated that if the owner of twenty-eight ‘cumhals’ worth of land enter into a partnership with the owner of twenty cows (eight ‘cumhals’ of cows), not only do certain incidents as to the ownership of the property occur somewhat similar to our own law of partnership, but each of the partners was entitled to an honor-price of the grade double whose property they possessed, and therefore both of the partners in such a case would take the rank of a middle ‘Bo-aire’-chief; from which it may be assumed that property to the amount of eighteen ‘cumhals’ was either sufficient to confer, or necessary to maintain, the specified rank.

It is evident that in estimating the amount of the honor-price of any person the result might be very different according to the particular qualification with reference to which his grade was determined. When an individual could qualify in more than one grade, if the question of the amount of his honor-price arose, he was required to elect on what basis, whether birth, profession, services, or property his grade should be ascertained, and by such election, when once made, he was thereafter bound. “The head of a plebeian is upon a king” when one of noble rank elects that his honor-price should be ascertained in respect of his property and not his birth, and afterwards loses the property, the ground of his qualification. In such a case he could not, on a subse-



quent occasion, fall back upon his birth as his qualification; he would be considered to have voluntarily abandoned his ancestral grade, and to have lost the qualification thereof for that which he had elected to retain. Although, however, he loses the benefits acquired by his own descent, the loss is purely personal, and if he has children he transmits to them the hereditary grade, and can, in their right, claim the original honor-price which he had renounced for himself. This passage contemplates the possibility of a person of kingly (or rather noble) lineage finding it more advantageous for himself to assess his honor-price with reference to his property. If it was his interest to elect to be rated, not with reference to his birth, but upon the basis of property, because the honor-fine to which in the latter case he would be entitled would be greater than in the former, we must conclude that the temporary possession of property conferred a rank on its owner, at least as high, or gave its owner a right to an honor-price as great, as that of the son of a kingly house. This result is so extraordinary that the commentary might be suspected of being purely speculative; the proverb, however, referred to in the text shows that the transaction was both ancient and notorious. Rules similar to the last are also laid down in the case of the contingent qualifications of service.

The next section (page 109) treats of the consequences of having falsely boasted of having committed a crime. When the Brehon arbitrator had not to inquire into the question of abstract guilt or innocence (terms quite foreign to the ideas of the time), but was required to give a decision upon the admitted facts as between the litigants, an acknowledgment once proved threw upon the party who had made it the onus of proving the contrary; and hence it followed that the plea that the previous acknowledgment or boast of having committed the deed was false in fact required to be proved strictly. The boasting that an injury had been committed against a person or his property, although untrue, was in itself an injury, and entailed upon the boaster a portion of the damages payable if the act in question had been actually committed. Considerable difficulty is acknowledged

by the commentator to exist as to the exact proportion of the damages which were left or removed upon proof of the act in question never having been committed, a difficulty which is attributed to the conflict of 'Cain' and 'Urradhus' law—the former of which must be considered as the general customary, the latter as the local customary law, which prevailed in the tribe to which the Brehon commentator belonged. There might have been as many Urradhus laws as there were tribes, but the author himself, naturally attached to a particular tribe, speaks of *its* custom as *the Urradhus law*. The treatment of untruthful boasting, as an actual tort, had not been established without opposition. The commentator quotes the old maxims, "Much is said through aggravated anger and the folly of mental disturbance," and "Though one should boast of a thing which he did not do, he shall not be fined for it." As this is in direct contradiction to the text which he is annotating, the commentator strives to reconcile them thus: the boasting is a tort or wrong to the person represented to have been injured, but it is an injury only so far forth as it would be believed by a reasonable man; the boaster is liable therefore in the inverse ratio of the excellence of his own character. If the person who boasted "were a thief, or if he were a person who was always in the habit of boasting, it is less likely the deed was committed by him, and it is right that there should be no fine upon him."\*

When the homicide in question was not the act of a single individual the question naturally arose by whom and in what proportions the damages were to be paid.† A distinction was drawn between the instigation to do the act and the commission of the act itself, which were treated as separate wrongs. For the instigation to commit the act, "if one man led them out by force or *through their* ignorance," whether those guilty of the act itself were discovered or not, a fine of seven 'cumbhals' was payable by the man "who led them out." If all the parties to the transaction are known and proceeded against conjointly for the act committed, the

\* Pp. 112, 113.

† P. 115.

fine, "if they were led out with their consent," is still seven 'cumhals,' the instigator or leader paying one-third for the instigation, and his share of the residue as one of the parties guilty of the wrong. Proceedings might be had against the instigator for the instigating and for the act itself, either jointly or severally. The result of the arbitration and payment of the award would amount only to a satisfaction for the actual wrong, the basis of the arbitration. The purely voluntary nature of the submission is shown by the rule, that if it is agreed that the questions both of the instigation to commit the act, and of the act, should form the subject of a single arbitration, the fine of seven 'cumhals' discharges the defendant from all liability. If the causes of action were not combined in the original arbitration, and consequently two several proceedings were at different times commenced against the instigator, he paid the seven 'cumhals' on the action for instigation which was instituted against himself severally, and his share, two-thirds of the seven 'cumhals,' which were recovered on the action founded on the act itself. A *solidarité* existed between the instigator and the parties instigated, but this, from the nature of the jurisdiction, was different from that in the cases of joint defendants in an action of tort in the English law. Under our law all the wrong-doers are defendants in the first instance to the action, the judgment against them is joint and several, and may be levied off all or any at the election of the plaintiff. In the Brehon law the arbitration was effectual only between the parties to the submission; if the others refused to come in, the defendant might or might not pay the whole damage and obtain an indemnity for them; if he did not, they remained open to reprisals; but if they subsequently elected to come in, they could take the benefit of the previous arrangement by settling their account with the injured party or the party who had previously paid the entire damages.

Independently of wrong committed against the person directly injured, or (in the case of his death) against his kin, the commission of an act of violence was a wrong to the person in, or in the neighbourhood of, whose house the trans-

action took place. Around such a residence there was a space ("Maighin" translated 'precinct') of varying extent, within which the owner of the house had a right to insist that the peace should be kept. The extent of the precinct depended upon the rank of the owner of the house; thus the precinct of a bishop was the space included in a circle, the centre of which was his house, and the radius one thousand paces. The limits of such a precinct are sometimes less definitely marked by reference to the distance at which certain sounds might be heard, *e.g.*, the sound of a bell or the crowing of a cock. It is improbable that the privilege of the owner of the precinct was confined to any special ranks in the community; the rules in the Brehon law, as to the rights of the resident within the precinct, necessarily flow from the established fact that in all early tribe systems the family was the unit of social organization. Within the house and lot of land attached allodially to it, the family was an absolutely free community; an entry by one not a member, otherwise than as a guest, or the commission of any violence therein, was a distinct wrong to the collective body of the family, as represented by its head for the time being. In the Teutonic tribes "each family in the township was governed by its own free head or *paterfamilias*. The precinct of the family dwelling-house could be entered by none but himself and those under his *patria potestas*, not even by the officers of the law, for he himself made law within and enforced law without."\* The right to enforce the peace within the house of the family, was naturally extended in the case of those of the higher

\* Maine Village Communities, p. 78. The modern use of the word town, and of the Irish townland, as meaning an enclosed space the joint property of more than one person, appears in the Laws of Ine, section 42, "If 'ceorls' have a common meadow (*gærs-tun*) or other partible land to fence, &c.," the leading idea was the enclosing of a piece of land, the cutting it out of the general public stock; and the ancient use of the term, and the law of the precinct, indicate the mode in which the members of a tribal community fixed their dwellings; "*vicos locant non in nostrum morem, connexis et cohærentibus ædificiis; suam quisque domum spatio circumdat.*"—Tacitus Ger. c. 16. The law of the precinct in the Brehon laws is worthy of attention as indicating a state of society anterior to that generally described in them, and proving that the principle of the unity and independence of the family is common to all the Aryan tribal communities.



ranks to certain limits drawn around their abode—limits which, doubtless, at first represented an actual fence or bound, but afterwards, perhaps, only existed constructively in the contemplation of the law. Such was the space indicated by the English 'tūn' (Germ. *zaun*), originally a plot of ground enclosed by a hedge, the separate allodial possession of a family, and subsequently used precisely as the Irish 'Maighin'; as in the phrase, "If anyone be the first to make an inroad into a man's 'tūn,' &c." (*Æthel. sect. 17*).<sup>\*</sup> Thus we meet in the English law the rules: "If a man slay another in the king's 'tūn,' let him make 'bôt' with fifty shillings," and "If a man slay another in an eorl's 'tūn,' let him make 'bôt' with twelve shillings" (*Æthel. sect. 5 and 13*). The theory of the precinct, if it operated to protect the family from acts of violence done therein, naturally threw on them the duty not only of maintaining order within, but also of preventing its inviolable character being abused by the protection of wrong-doers against the consequences of their acts. The head of the family was bound to prevent wrongs being done to third parties within the limit of his absolute jurisdiction; if the hand of the avenger was stayed at the limit of the enclosure, the head of the family was responsible for the acts of those whom the sanctity of the precinct thus protected. This principle, which occurs constantly in the present tract, is reiterated in all the early English laws from the earliest down to those of Henry I.<sup>†</sup> They are almost identical with those of the Brehon law.

The rights and liabilities of the family in respect to the precinct are naturally correlative, and are shown to be such in the rules as to payment of compensation for offences, when it is unknown who the guilty parties are.<sup>‡</sup> If, although the guilty person be not ascertained, it be certain that the inhabitants (of the village), or some of them, slew the deceased, they all conjointly pay the fine of seven 'cumhals' to the king and to

<sup>\*</sup> The Irish law justified the slaying by the owner of the house of the thief who broke in at night, exactly as the English law.

<sup>†</sup> Early English Laws, H. and E. 15, p. 14; Cnut. s. 28, p. 168; Ed. Con. 23, p. 195; Wm. I., 48, p. 209; Hen. I., par. viii, s. 5, p. 223.

<sup>‡</sup> P. 117.

the owner of the land as compensation for the violence committed upon the land of the family. The amount of the latter payment is described as being different under the Urradhus and Cain laws ; in the former it was one-twentieth part of the honor-price of the owner of the land, if the act occurred without, and one-half if within the precinct ; according to Cain law, it was seven-twentieths of his honor-price, whether the act took place within or without the precinct. If, however, it was not certain that the inhabitants of the district were the guilty parties, they pay the fine of seven 'cumhals' as before, but the position of the owner of the *locus in quo* is reversed, and he pays a part of the compensation, the amount of which was uncertain. The reason of these rules was that in the former case no default existed on the part of the owner ; the act had been committed by an ascertained class, although the individual had not been ascertained, and, as incident to the act itself, a trespass had been committed upon his exclusive property ; but in the latter case it was possible that the act had been committed by parties who had been permitted by the owner to enter upon or remain on his exclusive property, and for whose acts he was therefore responsible.

If the guilty parties were ascertained to consist of a mixed body of freemen, strangers, &c., the compensation was paid by them rateably in proportion to their respective honor-prices ; but no information is given as to the rights or liabilities of the owner. If the person guilty of the act stood by when the compensation was paid by the inhabitants, he became liable to recoup them with an additional fine for "looking on" at the payment. The varying amount of compensation with reference to the rank of the payer rendered such an adjustment of accounts complicated, and produced a series of rules the general object of which was to compel the guilty person to indemnify those who had paid the compensation for his act. The fine for looking on was calculated with reference to the amount paid, the payment to be made in respect of each successive "sed" being estimated in a decreasing ratio. The fine for looking on also varied

with reference to the nature of the goods in which the compensation had originally been paid. From a passage in the commentary, which is evidently a reference to some well-known case, the amount of the fine for looking on was diminished if the parties who had paid the compensation might with reasonable diligence have discovered the person really guilty—*e.g.*, if they had seen him coming from the locality where the killing took place,—because in such a case there was no fraudulent attempt at concealment.

An important element in the calculation of the amount of damages was the intention of the defendant both as to the person whom he intended to injure and the nature of the injury which he intended to inflict. When it was intended to slay an outlaw, the person actually slain might have been a "lawful" man, and conversely, when it was the intention to kill a "lawful" man, the slain may have proved to be an outlaw. No information is given as to the causes of outlawry. This is the more remarkable, inasmuch as the specific acts, which entailed this penal consequence, are detailed minutely in the English laws. Our modern idea of an outlaw is that of one who, having refused to obey the law, has been by a distinct judicial act declared *hors de loi*; in consequence of his violation of the law society withdraws its protection from him; having repudiated his civil duties he loses his civil rights. Such a process presupposes the existence of judicial authority (perhaps, rather, legislative authority, as in the case of the Roman *privilegium*), or of a feudal lord. The Welsh laws speak of an outlaw, as "one outlawed from the Lord's peace by a public act, or lawful banishment and process." (Welsh Laws. *Cyvreithiau Cymru*. iii., 13, page 595.) Such could not be the meaning of the word in a tribal society, the most remarkable characteristic of which was the absence of any public law or criminal procedure. Under the early English laws acts of an aggravated nature, such as "felling aman to death," &c., rendered the guilty party "utlah"; but the life of the outlaw was not therefore at the mercy of every man, but "all those who desired right" should seize him. "And if he so do that any one kill him, for that he

resisted God's law or the king's, if that be proved true, let him lie uncompensated."\* But according to the English law the outlaw when arrested took his trial, and compounded his act in the usual manner. Although outlawry in the later English laws (*e.g.*, Cnut., s. 13) entailed penal consequences, it originally was little more than an arrest on mesne process. The meaning of the term, also, as it occurs in the early English law, is inapplicable to the Brehon code, which nowhere conceives the idea of a compulsory process.

It is to be remarked that the text distinguishes two classes for whose death the full fine is not payable—viz., the person on whom it is right to inflict the retaliation of an injury, and the condemned outlaw. Both these parties suffer a "*diminutio capitis*," but the loss of his legal rights in the case of the former was partial, in the case of the latter absolute. He upon whom it was "right to inflict retaliation for an injury" must be one who himself had previously inflicted an injury upon the person who retaliated; from this it is clear that the outlawry did not simply arise from the commission of the act itself, and that some further deed was necessary to drive the guilty person out of the community—some formal act must have evidenced that he was so driven forth. The only act to which such consequences can be attached is a refusal to act in conformity with the tradition and custom of the tribe in fulfilling an award made in accordance with customary law. No judicial body existed to decree the expulsion of an individual from the community; but we know that in similar cases an organised body, formed in accordance with immemorial custom, could by a popular expression of universal disapproval drive from out itself the member who repudiated the principles upon which the whole social organism was established. Such was the mode in which a member of a Comitatus was expelled, as described in the well-known passage:—"At si . . . terrâ perfugere maluisset, ad nemus usque pari militum curâ comitandus erat, cunctis tam diu in ejus abitu expectantibus, quousque procul ipsum abesse cognoscerent. Ac tum demum magno cum totius

\* The Laws of Edward and Guthrum, sec. 6.



*militiae fragore ter valide edendus clamor, cunctaque strepitu miscenda fuerant, ne fugiturus ullo ad eos errore referri posset.*"\* Some such process must have been absolutely necessary in every archaic community. Some circumstances must have been held to justify the expulsion, and probably some ceremony may have indicated that the member of the community who rebelled against the custom was cast out, and had become "friendless," "flyma," or "exlex."

In the text the word translated "outlaw" seems to be sometimes used in a double sense, as implying both one on whom it was right to retaliate a wrong, and also one belonging to the class of condemned outlaws. The head of the family was bound not to allow his house to be made a sanctuary by those upon whom a just vengeance could be inflicted, for he could not, by doing so, stop the course of legitimate revenge; and therefore no damages could be claimed by him if in such case the peace of his precinct were violated. The general principles upon which the commentary in page 137 proceeds are clear, although the rules there laid down are confused and obscure. If a man slay another in the house of a third party, he was guilty of a wrong towards, and was bound to pay damages to, both the kin of the slain and the owner of the house in which the slaying took place. The amount of the fine was, however, variable, according to the "intention" of the slayer; and the rights of the owner of the house to compensation, were affected, if he had harboured in his house an outlaw or wrong-doer. Hence six possible cases of homicide committed in the house of a third party arise; (1) If the intention be to slay a lawful man and he is slain; (2) If the intention be to slay a lawful man and another lawful man is slain; (3) If the intention be to slay a lawful man and an outlaw is slain; (4) If the intention be to slay an outlaw and a lawful man be slain; (5) If the intention be to slay an outlaw and he is slain; and (6) If the intention be to slay an outlaw and another outlaw is slain. If the act done be that which it was intended should be done, the assessment of damages was simple; but if the act was not that intended,

\* Saxo-Græm. (Ed. Stephani), p. 199.

damages had to be calculated with reference both to the act and to the intention ; and the damages arising from the nature of the place in which the act was committed must have been affected by the conduct of the owner of the *locus in quo*. The difficulty in the commentary arises from the fact of fine for the "place" being represented as payable to the injured person, or to the person intended to be injured. It may be fairly conjectured that the commentator was discussing the several cases rather with the object of defining the amount to be paid, than the person to whom it was payable. With such correction the general rules may be summed up as follows:— If the intention was to kill a lawful man, and he was killed, all the full damages, both for the intentional act and the violation of the rights of the owner of the *locus in quo* were payable by the slayer. If the intention was to slay one lawful man, and another lawful man was slain in his stead, the intention of the wrongdoer and the act were practically the same, and the damages were as in the former case. If the intention was to slay an outlaw, and a lawful man was slain, in every respect, except the actual slaying, the slayer was in the same position as if he had slain an outlaw, and for the actual slaying of the lawful man, upon proof of the intention to slay an outlaw, only half body-price and half honor-price were payable. If the person slain was not a condemned outlaw, but merely a person against whom the slayer had a right to retaliate a wrong, two-thirds of the fine were payable ; that is, in the general account between the families, the fine for the slaying of the original wrongdoer would be subject to a discount of one-third. If the slain was a condemned outlaw, the man who had slain him, intending so to do, was exempt altogether. If one outlaw was slain in the stead of another, the position of the slayer was the same as if he had succeeded in carrying out his original intention. By the term 'a fine for intention' is meant the fine payable upon an unsuccessful attempt to commit a wrong.

The general impression produced by the rules in the commentary is that the attempt to commit an act was treated as

equivalent to its commission, unless the result of the attempt were very insignificant. Thus, if an attempt were made to slay, or to inflict an injury which would endure for life, and blood were shed, the fine was the same as if the attempt had succeeded; if the injury did not amount to the shedding of blood, the fine was reduced one-half. If the intention were to inflict any specified injury, and a different injury was inflicted, a calculation was made of the total of "a seventh for intention, one-half for going to the place and the body-fine for inflicting the wound." And the plaintiff could elect between the result of this calculation, and the fine for the wound he intended to inflict and the fine for the wound which he actually inflicted.\*

In the case of injuries inflicted on the person, the most important element in estimating the damages was naturally the nature of the injury itself; and it was therefore attempted to schedule all possible injuries at different amounts. The damages for each injury were calculated as a fractional part of the damages payable in case the injured person had actually been killed. It is evident from the commentary that no definite scale of damages had been universally established; the commentary commencing at page 345 differs in its mode of calculation from that commencing in page 349; and the author of the latter commentary, or a subsequent writer, notices the differences of opinion which existed. The following excerpts from the latter commentary give a fair idea of the mode of calculation. For the loss of the use of one leg, one hand, one lip, the tongue with loss of speech, the nose with loss of smell, the sight of an eye, or the hearing of an ear, there were payable half body-fine, half compensation, and the full body-price. In such a system of calculation the difficulty must have occurred that a person, who had received several injuries, might, although his life were spared, claim more than the amount of damages payable in the case of his death; the full body-fine, therefore, was naturally taken as the maximum which could be recovered for injuries inflicted upon any one occasion. When a person had once been maimed, and had recovered

\* Page 139.

part or all of his body-fine, his position in the case of subsequent injuries was not altered for the worse. No subsequent wrong-doer could insist that the injured person should be rated as a damaged article. Compensation for the hand was according to some fixed at thirty-six 'screpalls', eighteen of which represented the thumb, nine the first finger of the right, or middle finger of the left hand, and the remaining fingers were rated at three screpalls each; and this was again divisible among the three joints of each finger. As the classes of injury were defined by certain limits from each other, when an injury fell within a defined class, the fine or compensation for it would be the same, independent of its more or less aggravated character; thus the compensation for cutting off an arm being fixed at a certain sum, it was immaterial whether the arm were cut off at the shoulder or at the elbow; similarly it was immaterial whether the leg were cut off at the knee or at the ankle. The rules as to the injury to the nail of a finger are interesting, as occurring in other codes. "If the top of his finger has been cut off him from the root of the nail, or from the black upwards, body-fine and honor-price *are paid for it* according to the severity of the wound; or if bleeding was caused in cutting off his nail, he shall have 'eric'-fine for bleeding on account of it. If it was from the black upwards, his nail was cut off him, *there shall be* one fine for a white blow on account of it."\*

That the same injury might involve greater loss to one person than to another, and that compensation was not given by the strict traditional fine, was too obvious to escape observation; in some cases therefore the character and position of the injured party increased the amount of damages. Thus "a wing nail shall be given to the harper, if it was off him it (*the nail*) was cut."

If the wound were inflicted inadvertently in lawful anger, the payment was made upon a diminished scale; but the commentary at page 347 is so obscure that it is impossible to extract any definite rules from it.

\* Page 353.



In some cases the amount of damages was diminished with reference to the character and position of the injured party, hence the strange rule that a decrepit man, and a man in orders were, if castrated, entitled to body-fine only "according to the severity of the wound;" but a layman (not decrepit) was entitled for the same injury to full body-fine, full honor price and complete compensation.\*

The principle that the injuries are to be atoned for by pecuniary compensation, and that the amount of such compensation fluctuates with reference both to the nature of the injury and the rank of the parties, is common to all early Teutonic and Celtic codes; and this rule being once established, it follows that every such code must contain a classification of wrongs with reference to the amount of damages payable in respect of them. There is therefore nothing peculiar in the speculations contained in the Book of Aicill as to the damages to be paid in the several cases discussed. The obscurity which confessedly exists in the text is to be attributed neither to the nature of the subject nor to the character of the law, but rather to the mode in which the book has been composed; and the speculative tendencies of the commentators. Perhaps also, as it may be fairly surmised, there was no universally accepted scale of damages.

As an illustration of the identity of the principles of the Brehon law relative to torts, there is here subjoined a selection from the laws attributed to Æthelbirht, King of Kent, who was baptized by St. Augustine, and died after a reign of fifty-six years, according to Bede, on the 24th of February, 616 A.D. †

21. If a man slay another, let him make 'bōt' with a half 'leod-geld' of C. shillings. ‡
23. If the slayer retire from the land, let his kindred pay a half 'leod.'
25. If any one slay a 'ceorl's' 'hlaf-æta,' § let him make 'bōt' with vi. shillings.

\* Page 355.

† Eccl. Hist. B., 2., c. 5.

‡ That is, if one freeman (ingenuus) kill another.

§ Lit. loafeater; domestic servant.

26. If any one slay a 'læt'\* of the highest class, let him pay lxxx. shillings; if he slay one of the second, let him pay lx. shillings; of the third, let him pay xl. shillings.
32. If any one thrust through the 'riht ham-scyld,† let him adequately compensate.
33. If there be 'feax-fang‡ let there be l. sceatts for 'bôt.'
34. If there be an exposure of the bone, let 'bôt' be made with iii. shillings.
35. If there be an injury of the bone, let 'bôt' be made with iv. shillings.
36. If the outer 'bion'§ be broken, let 'bôt' be made with x. shillings.
37. If it be both, let 'bôt' be made with xx. shillings.
38. If a shoulder be lamed, let 'bôt' be made with xxx. shillings.
39. If an ear be struck off, let 'bôt' be made with xii. shillings.
40. If the other ear hear not, let 'bôt' be made with xxv. shillings.
41. If an ear be pierced, let 'bôt' be made with iii. shillings.
42. If an ear be mutilated, let 'bôt' be made with vi. shillings.
43. If an eye be (struck) out, let 'bôt' be made with l. shillings.
44. If the mouth or an eye be injured, let 'bôt' be made with xii. shillings.
45. If the nose be pierced, let 'bôt' be made with ix. shillings.
46. If it be one 'ala,' let 'bôt' be made with iii. shillings.
47. If both be pierced, let 'bôt' be made with vi. shillings.
48. If the nose be otherwise mutilated, for each let 'bôt' be made with vi. shillings.
49. If it be pierced, let 'bôt' be made with vi. shillings.
50. Let him who breaks the chin bone, pay for it with xx. shillings.
51. For each of the four front teeth, vi. shillings; for the tooth which stands next to them, iv. shillings; for that which stands next to that, iii. shillings; and then afterwards, for each i. shilling.
52. If the speech be injured, xii. shillings. If the collar bone be broken, let 'bôt' be made with vi. shillings.
53. Let him who stabs (another) through the arm make 'bôt' with vi. shillings; if an arm be broken let him make 'bôt' with vi. shillings.

\* Latin lætus. Fiscalinus, a servant or member of the comitatus of the king.

† Right shoulder blade. ‡ A taking hold by the hair.

§ Probably the periosteum or outer membrane covering the bone.

54. If a thumb be struck off, xx. shillings. If a thumb nail be off, let 'bôt' be made with iii. shillings. If the shooting (*i.e.* fore) finger be struck off let 'bôt' be made with viii. shillings. If the middle finger be struck off, let 'bôt' be made with iv. shillings. If the gold (*i.e.* ring) finger be struck off, let 'bôt' be made with vi. shillings. If the little finger be struck off, let 'bôt' be made with xi. shillings.
55. For every nail a shilling.
56. For the smallest disfigurement of the face, iii. shillings; and for the greater, vi. shillings.
57. If any one strike another with his fist on the nose, iii. shillings.
58. If there be a bruise, i. shilling; if he receive a right hand bruise, let him (the striker) pay a shilling.
59. If the bruise be black in a part not covered by the clothes, let 'bôt' be made with xxx. scættas.\*
60. If it be covered by the clothes, let 'bôt' for each be made with xx. scættas.
64. If any one destroy (another's) organ of generation, let him pay him with iii. 'leud-gelds'; if he pierce it through, let him make 'bôt' with vi. shillings; if it be pierced within let him make 'bôt' with vi. shillings.
65. If a thigh be broken, let 'bôt' be made with xii. shillings; if the man become halt, then the friends must arbitrate.
66. If a rib be broken, let 'bôt' be made with iii. shillings.
67. If a thigh be pierced through, for each stab vi. shillings; if (the wound be) above an inch, a shilling; for two inches, ii. shillings; above three, iii. shillings.
68. If a sinew be wounded, let 'bôt' be made with iii. shillings.
69. If a foot be cut off, let l. shillings be paid.
70. If a great toe be cut off, let x. shillings be paid.
71. For each of the other toes, let one-half be paid, like as it is stated for the fingers.
72. If the nail of a great toe be cut off, xxx. 'scættas' for 'bôt,' for each of the others make 'bôt' with x. 'scættas.'
86. If one 'esne'† slay another unoffending, let him pay for him at his full worth.
87. If an 'esne's' eye and foot be struck out or off, let him be paid for at his full worth.

\* A 'scætt' was the fourth part of a penny.

† Equivalent to mercenarius, peow, a menial servant.

Between the Irish and the English law there is no difference in principle. The distinction is in the form of expression; the Irish being preserved in what may be fairly considered as a practising lawyer's notebook, the English in an authorized and systematised digest. If, however, an attempt be made to apply the English law to any supposed case, the difficulty of so doing will be found to be as great as is experienced in a similar case under the Irish law.

Under both laws payments of a triple character are stated to be made in the case of torts; (1), the payment which was assessed in relation to the deed itself, the Ang. Sax. "bôt," styled *mœgbôt*, being the compensation to kindred in the case of homicide, and corresponding to the *galanas* of the Welsh law; such we must understand the body-price and compensation of the Brehon law; (2), the payment made with reference to the rank of the party concerned, the *wer-geld*, *leod-geld*, or *leod* of the English law, perhaps corresponding to the Welsh *gwyneb-werth* and described in the Brehon law as the honor-price or *eric*; and (3), the "wite" of the Angl. Sax. law, a penalty paid to the king or chief for the breach of the custom or law, the Welsh *camlwrw*; to which it is suggested that the Irish *dire-fine* may correspond.\* The expenses of the arbitration were provided for by the custom that the Brehon should receive one-twelfth on the amount awarded.† In the sixteenth century the remuneration of the judge and the fines inflicted had been arbitrarily increased.‡

The rules extracted from the law of *Æthelbirht* are in no wise peculiar to that code; similar passages might be extracted in abundance from any Saxon, Frisian, Gothic, or barbarian laws; nor does the resemblance lie only in the general principles; a series of specific rules common to the English and Teutonic and Irish laws might be collected, illustrative of the identity of all the early forms of Aryan society.

\* It is impossible to give any consistent or satisfactory explanation of the term 'dire'-fine. In the case of what would now be civil actions, hereinafter analysed, it was payable to the injured party, and not to be distinguished from the 'eric-fine.'

† Page 305.

‡ State Papers, H. viii., Vol. III., part 2, page 510.



To Alfred the Great belongs the merit of having conceived law to be something more than mere custom, as being founded upon the principles of moral right and wrong, revealed to man by God. It is with this view that he commences his code with a translation of the Ten Commandments as the original source of all criminal law. As a corollary to this declaration of God's will, and in the spirit of the Levitical law, he announces that certain acts are crimes, and to be punished as such. Section 13 says:—"Let the man who slayeth another willingly perish by death. Let him who slayeth another of necessity, or unwillingly or unwilfully, as God may have sent him into his hands, and for whom he has not lain in wait, be worthy of his life, and of lawful 'bôt,' if he seek an asylum. If, however, any one presumptuously and wilfully slay his neighbour through guile, pluck thou him from mine altar, to the end that he may perish by death."

This idea of law founded on moral right and wrong was apparently introduced into Ireland, as before suggested, upon the first preaching of Christianity, and appears in isolated passages in the *Corus Bescna*—a work evidently composed under ecclesiastical influences—but it never acquired such a hold on the popular mind of the Irish as it did elsewhere, so far as to supersede the archaic ideas of the customary law.

The compensation and honor-price, awarded in respect of any injury, were primarily payable by the wrong-doer, and received by the person injured; but there existed a *solidarité* between persons standing in certain relations to each other, whereby parties, strangers to the transaction, might be required to pay, or entitled to receive, a portion of the award.

The first and most obvious of such relationships was that of the family. If the wrong-doer himself failed to pay the amount awarded against him, the members of his family were liable in a secondary degree, and were required to make good his default, the right being reserved to them to recover the amount due against the wrong-doer himself, as being the party primarily liable. If they desired to relieve themselves from such contingent responsibility, they were re-

quired to expel from their body the member for whose ill-deeds they refused to be any longer responsible, and by a fixed payment to insure themselves and their property against the consequences of his subsequent acts.\* The member thus disowned by his kin, and expelled from his family, became, what was styled, "an outlawed stranger." This process is described in the following passage:—

"What is it that makes a stranger of a native freeman and a native freeman of a stranger? That is, an outlawed stranger; he is defined to be a person who frequently commits crimes, and his family cannot exonerate themselves from his crimes by suing *him* for them, until they pay a price for exonerating themselves from his crimes, *i.e.*, seven 'cumhals' to the chief, and seven 'cumhals' for his seven years of penance are paid to the Church, and his two 'cumhals' for 'cairde'-relations *are paid* to each of the four parties with which he had mutual 'cairde'-relations; and when they (*the family*) shall have given in this way, they shall be exempt from his crimes, until one of them gives him the use of a knife, or a handful of grain; or until he unyokes his horses in the land of a kinsman out of family friendship." The acts specified are, of course, only selected overt acts, proving his re-admission into the family.

The payments thus made by the family formed the fund for the compensation of the wrongs which might subsequently be committed by the expelled member. The seven cumhals in the hands of the chief formed the primary fund for the compensation of future wrongs committed, irrespective of the status of the injured party. The seven cumhals paid to the Church remained solely liable to meet subsequent damages claimed by the Church, upon the fiction that the amount paid to the Church represented penance. The cumhals paid to the parties with whom he had cairde-relationships, remained to meet damages arising from injuries subsequently committed against such persons.

It became the duty of the king to restrain the outlaw, if he were not taken into the employment or hire of any per-

\* Page 381.

son; if the king neglected to perform this duty, he himself became liable to pay the compensation for subsequent wrongs committed. If the outlaw were received by any person upon his lands as a retainer or hired servant, the employer then became liable for his acts, but was in such case entitled to his body-fine, the amount of which was reduced from the rate of the native freeman to that of a stranger. If the king did not fail in his duty, and the outlawed criminal were not on the land (and in the employment) (?) of any person, he might be slain with impunity. The person who received in his house such an outlaw, became liable for his acts: "If a particular person feeds him, he shall pay for his crime according to the nature of his feeding before or after committing the crimes. Full fine *is to be paid* for the feeding before committing crimes, and half fine for the feeding after committing crimes. \* \* \* The full fine is paid on account of kindred, and the half fine is paid on account of feeding."\* The meaning of this would appear to be that in the former case the criminal, at the date of the commission of the crime, was "domiciled" in the house of his entertainer, and there existed between them the relationship of *quasi* kinship.

The passage already cited illustrates the relation of suretyship which existed between an employer and those received into his household in a servile or menial character.

There is no means of ascertaining who are the parties that would have been considered as the family or kindred of any criminal or injured party. The analogy of the cases of the host or employed would lead to the supposition that the family obligation arose not from the blood relationship solely, but required the additional element of common residence. It is, however, clear that under similar customary laws the liability of kinship existed without the additional circumstance of residence in a common household. Thus, in the laws of Alfred, section 27—"If a man kinless of paternal relatives, fight, and slay a man, and then if he have maternal relatives, let them pay a third of the *wēr*," &c.; thus also the spear-penny (*ceiniog baladr*) of the Welsh law was payable by every

male relative within the seventh degree of the homicide as his contribution towards the galanas or compensation.

A similar liability affecting the kindred or the lord of the wrong-doer, and a mode of escaping it, appear frequently in the English law: *e.g.*, "And he who oft before has been convicted openly of theft, and shall go to the ordeal, and is there found guilty; that he be slain, unless the kindred or the lord be willing to release him by his 'wēr,' and by the full 'ceap-gild,'\* and also have him in 'borh,' that he thenceforth desist from every kind of evil. If after that he again steal, then let his kinsmen give him up to the reeve to whom it may appertain, in such custody as they before took him out of from the ordeal, and let him be slain in retribution of the theft" (*Æthelstan Judicia Civitatis*, Lund. i., 4). And, again; "respecting those lordless men of whom no law can be got, that the kindred be commanded that they domicile him to folk-right, and find him a lord in the folk-mote; and if they then will not or cannot produce him at the term, then be he thenceforth a flyma, and let him slay him for a thief who can come at him; and whoever after that shall harbour him, let him pay for him according to his 'wēr,' or by it clear himself" (*Æthelstan*, i., 2).

Whoever received a stranger in his house became liable for the acts of his guest. There is much difficulty in ascertaining what were the rules of the Brehon law on this subject. The commentary, in page 409, admits that there were uncertainty and conflict upon this point, both in the rules of the cain and urrudhus law, and in the opinions of the lawyers. It is impossible to extract from the commentary any distinct principles. It appears that the obligation affected the seven houses in which he had been consecutively entertained, but how much was paid and in what proportions it is difficult to assert. This obligation arising from hospitality appears in all ancient codes:—"If a man entertain a stranger for three days at his own home, a chapman or any other who has come over the march, and then feed him with his own food, and he then do harm to any man,

\* The marked price of the article stolen.



let the man bring the other to justice, or do justice for him." (Hlothhære and Eadric, sec. 15):—Again, it is enjoined, "That no one receive any man longer than three nights, unless he shall recommend him whom he before followed; and let no one dismiss his man before he be clear of every suit to which he had been previously cited." (Cnut, sec., 28.) The section cited from the law of Cnut, appears literally translated into Latin, as section 48 of the laws of the Conqueror. It again appears in the laws of Henry the First, in an expanded form:—"Nemo ignotum, vel vagantem, ultra triduum, absque securitate detineat, vel alterius hominem, sine commendante vel plegiante, recipiat, vel suum a se dimittat, sine prelati sui licenciâ et vicinorum testimonio, quietum eciam in omnibus, in quibus fuerit accusatus" (par. viii., sect. 5). It is to be observed that the liability under the Irish law went further than that created by any of the sections above cited, in extending the obligation to a series of successive hosts, and rendering them liable for crimes committed before or during the residence of the guest; on the other hand, it would appear that this obligation under the Irish law did not arise unless the guest was either a vagabond, *i.e.*, a person guilty of the non-observance of the *corus-fine* law, or a person expelled by his kindred from his original family.

The principle of compensation for wrongs inflicted acquired an extension under the Irish system, which it possessed under no other law. The ingenuity of the lawyer caste discovered that any single act might involve wrongs to many different persons, according as the transaction was viewed from different standpoints. Thus the criminal might be required to pay many distinct compensations to different persons, for the consequences of a single act affecting them severally in divers capacities. If the payment of the compensation was to free the guilty party from all liability, it necessarily followed that all the parties entitled to compensation should be made parties to the suit, and their respective claims ascertained and adjusted.

These refinements of the archaic principle of compensation are well illustrated in the case of a theft from a dwelling-

house. The questions of compensation, which arose from such an occurrence, were complicated in the view of even the Brehon lawyers :—"The fine for *stealing from a house* is a difficult fine." To realize the rules laid down upon the subject, we must imagine the house of a *saer-stock* tenant or other member of the tribe, a large building with various nooks and recesses, which were allotted to its inmates for their sleeping apartments ("the beds"), and suppose a thief to enter the house and steal an article from some one of these compartments. The person primarily injured was the owner of the article stolen; but in a secondary degree the owner of the house had a right to complain of the violation of his precinct, and as the owner of the house complained of the illegal entry into his house,\* so the owner of the "bed" complained of the intrusion upon the compartment belonging to himself exclusively. If the owner of the bed had lent it temporarily to a third party, he also complained of the violation of his privacy. It might be expected that the list of injured persons would stop here, but it was further discovered that the violation of the house was an insult to any chief who was accustomed to require hospitality at the hands of the owner of the house. Here some limit had to be fixed and compensation could be required by no more than seven "noblest of chiefs of companies, who came on a visit to the house." On the occasion of such a theft, eleven honor-prices are considered, *viz.*, honor-price to the owner of the house, and honor-price to the owner of the 'sed' (the article stolen), and honor-price to the owner of the bed, and honor-price to the person to whom the bed was given, and honor-price to each of the seven noblest chiefs of companies who came on a visit to the house; and the one-and-twentieth part of each honor-price of them is due to the owner of the house, except that of the owner of the 'sed,' and that of the owner of the bed; that is, the owner of the article stolen and of the compartment from which it was stolen, were exempt from contribution to the owner of the house, as they stood in the same position as he, if they did not possess a right

\* Page 459.

as against him to protection whilst within his dwelling. It appears that if the article stolen was the property of the owner of the house, he lost his claim to contribution from the other parties respectively entitled to damages. This seems inconsistent with the statement, that those who had to contribute towards the indemnity of the owner of the house out of their respective honor-prices, were required to do so because "it is in right of the owner of the house that anything is *due* to them."\*

If the number of chiefs who frequented the house, and under whose protection the dwelling may have been supposed to be, exceeded the number of seven, the honor-prices of the seven noblest of them were divided among them "equally or unequally." This may mean that if they were of equal rank they took equal shares, but if of unequal rank they took in the ratio of the honor-prices of their respective ranks.

The honor-price which any such chief received, he did not retain if he had company with him when he visited the house, in which case he paid over to his company one-half of what he received.

In this commentary, as in most others, there is much ambiguity and obscurity, and the interpretation must vary according as it is taken to state a general custom or to report a special case. If the latter view of the passage be correct, the chiefs in question must be supposed to be partaking of the hospitality of the owner of the house at the date of the theft. It would further appear that the occupant of the bed must have borne some exceptional relation to the owner of the house, such as "a son-in-law, or a soldier, or a particular person," to entitle him to any claim as against the wrong doer.

It is difficult to estimate the operation of a system of compensations for wrongful acts in restraining crime and maintaining order. That such a system was in the earlier stages of society efficient for such a purpose is evident, from the fact that similar customs were established in all the tribal societies of the Aryan stock. They were universally adopted, because they were universally found to be advantageous. Imperfect as such institutions are, they were an

\* Page 461.

improvement upon the antecedent condition of family autonomy, or private war. The success of such a system depended upon a general equality of all the members of the tribe in power and wealth, and the blind submission to custom, which exists in an early stage of society. If there arise an inequality of wealth and power, and the old customs and traditions of the tribe lose their hold upon the public mind before a sovereign ruler succeed in establishing himself, the system of compensation for wrong doing becomes essentially mischievous, as antagonistic to all ideas of moral responsibility. Among the Teutonic nations kingship arose as a necessary consequence of their invasion of the Empire; and some central government being established, the system of compensation was transformed into a system of mulcts or pecuniary punishments. If traditional customs cease to be blindly and implicitly obeyed, and there is no central authority, anarchy must ensue in the absence of a positive law enforced by an executive. The wrong-doer, if powerful, despised the private vengeance which was the only sanction of the Brehon's judgments; the injured party, if powerful, preferred revenge to compensation; the wealthy, even if obeying the custom, enjoyed a practical immunity from punishment. It cannot be doubted that to a persistent adherence to the idea of compensation atoning for injury, and to a want of perception of the criminality of any act, much of the disorder and lawlessness apparently inherent in the Irish Celtic tribes must be attributed. A personal sense of sin is entirely different from a consciousness of crime or illegality. Though it be very material to himself, it is indifferent to society whether a criminal do or do not repent of his ill deeds. The wealthy or high-handed wrong-doer might in his latter days retire into a monastery and do penance for his sins, but he never imagined that he violated any duty towards society as long as he paid the damages awarded, or defied private vengeance. The consequences of the crystallization of archaic customs in a written code administered by an hereditary law caste appear in the constant acts of violence which occupy so much of the Annals of the Four Masters.

It is now necessary to consider the Brehon law as applied



to cases which in a more advanced system of jurisprudence would be considered as private wrongs, and which therefore fall within the jurisdiction of the civil as distinguished from the criminal tribunals.

The principles upon which the Brehon law, as well as all archaic systems of jurisprudence, proceeded in cases of acts of manifest violence committed by one member of a community against another, are reasonable and obvious. It was desired that certain fixed damages should in such cases be received by the injured party or his kinsmen in lieu of the revenge which they might otherwise have exacted. In such cases, as has been before observed, the amount of the sum to be paid is estimated with reference to the capacity of the injured party to exact retribution, and the extent to which in each case he would have been under ordinary circumstances likely to have exercised this power. The actual damage occasioned by the act in question rarely forms an element in the ascertainment of the damages. In an action under Lord Campbell's Act, by the representatives of a deceased person who had lost his life through the negligence of the defendant—a proceeding which bears an apparent resemblance to an arbitration under the Brehon law in the case of a homicide—the loss of income entailed upon the family of the deceased is the measure of the damages recovered. Such an idea was foreign to archaic jurisprudence, in which the circumstances attending the act, and the rank of the respective parties, are the basis on which the amount of the payment was calculated.

This radical defect in the calculation of the amount to be paid is explicable, if it be borne in mind that the object of the proceeding was rather the preservation of the peace of the community than the replacing of the plaintiffs to the suit in the position which they had previously occupied—atonement, using the word in its literal sense, rather than compensation, was the result to be attained. In an early tribal or village community, in which property was held rather by families than individuals, and the means of supporting life arose chiefly from the cultivation of the land, the

pecuniary injury arising from the death of an individual would not be so perceptible as in an advanced society, where families depend for subsistence upon the daily earnings of their head. If the decisions of the Brehons had been confined to disputes arising from acts of violence, the insufficiency of the principles, upon which damages were assessed by them, would have been immaterial; but it became of importance when the cases brought before them for decision were of a civil rather than a criminal nature.

When the Brehon had been established as the professional arbitrator between members of the community, there was established a tribunal before which all disputes between members of the community could be easily determined, and it is evident that there arose a considerable amount of litigation essentially different from the disputes which it was the primary object of the jurisdiction of the Brehon to allay.

It is manifest that actions arising from involuntary or accidental injuries, or from violations of a legal regulation not accompanied by violence, must be treated in an altogether different mode from that applicable to acts at once wilful and violent. The former class could be satisfactorily arranged by compensation in the strictest sense, the latter are not really capable of such treatment.

The later date of the civil, as compared with the criminal procedure under the Brehon law, is marked by the fact that the principles applicable to cases of violence, in the point of view in which they were regarded in the archaic law, were applied to cases which in modern procedure would be considered as the subjects of civil actions, not of criminal proceedings.

It is not intended to be here asserted that the principle of compensation in such cases was unknown to the Brehon law; it is impossible that a doctrine so obvious could have been overlooked by professional arbitrators, and in many cases it forms one of the grounds upon which damages were assessed. It was, however, never adopted as the sole measure of damages, the estimation of which in all cases was rather a question of law than of fact, the nature of the injury itself and

the rank and position of the parties being of more weight in the decision than the loss actually entailed. In taking accounts between the parties to a suit, numerous items would be introduced wholly foreign to the inquiry if conducted under any system of modern law; a vast number of technical rules and arithmetical processes would be introduced into every decision, the result of which must have been in some cases to exaggerate, in others to diminish, the damages above or below the amount sufficient to indemnify the injured party.

The substitution of technical rules for the obvious consideration of the facts of the case is a radical defect running through the Brehon law, so far as it deals with what now would be considered civil actions. This false principle becomes more obvious in proportion as the action to which it is applied resembles what would now be considered as an action upon a contract. It being admitted that an homicide should be arranged upon the principles adopted in the Irish and other archaic systems of law, it is not unreasonable that a violent assault or wounding should be dealt with in the same manner; but when the damages in a simple case of negligence, or in an action on the case, or in the case of a liability arising from suretyship, are assessed upon the same principles, the anomaly is obvious. This peculiarity and defect in the Brehon law can be best illustrated by reference to instances which are selected from the text of the present Tract.

The first case to be considered is that of injuries arising from the negligent exercise of a legal right, which in our law would assume the form of an action of tort—the wrong in the case being the negligence and disregard of the interest of others. Of this class of actions there are numerous instances in the present Tract, and they are all dealt with upon the same principles. These cases fall under the head of what are called “exemptions”—that is, the consideration of the attendant circumstances which tend to diminish the amount of damages to be paid in the case in question.

The principle upon which these discussions turn is, that certain acts between certain parties are to be compensated by fixed payments, but that certain circumstances enable

the defendants to reduce the amounts according to certain rates, or to get cross credits on the account to be settled by the Brehon.

In page 175 we find a discussion as to injuries which arise from acts done by servants in the course of their ordinary duties. The work on which the servant is supposed to be employed is cleaving faggots and bringing them home. The legal propositions contained in the commentary may be summarized as follows:—

(I). A servant performing the work, which he is bound to perform, in the ordinary and proper manner, is not liable for injuries by accidents incident to the work in which he is engaged.

This proposition is, of course, subject to the assumption that the work which he was hired to perform, is in itself legal. Hence it appears from leading cases cited in the commentary that—

(a). If the faggot which a servant carries home was so improperly made up that an accident arose therefrom, the servant who carries it is not responsible if he has no notice of the improper mode in which the faggot had been made up.

(b). If a servant use a hatchet without notice that it is insufficiently fastened, he is not responsible for any accident which arises from the head flying off from the haft; but this applies only to the first occasion on which such an accident happens.

(II). A distinction is drawn between persons who are bound, or have a right to be, present, and those who are present without reasonable or necessary cause, hence—

(a). If an injury happen during the making-up of a faggot, those who have no duty which requires them to be present can claim no compensation; but those whose duty requires their presence, and the owners of cattle, whose beasts are nigh the spot, can claim compensation if injury be done to the former, or to the cattle of the latter.

(b). If a faggot be cast down in the ordinary and usual place, and in so doing injury be done to any or the cattle of any, those who have no duty requiring their presence can



claim no compensation ; but those whose duty requires their presence, and those whose cattle are injured, can claim compensation, the amount of damages is however reduced from half dire-fine to one-third of compensation.

(III). There is next a distinction drawn between the acts of a person who exercises a legal right in the ordinary and customary manner, and those of one who exercises a legal right in an extraordinary manner, hence—

(a). If a faggot be cast down in an unusual place and an injury thence occur, those present, although no duty requires their presence, are entitled to half compensation ; those whose duty requires their presence, to full compensation ; and the owners of cattle which are injured, to half dire-fine and compensation if the cattle could have been seen, and to compensation alone if they could not have been seen.

(b). If the injury has occurred during the cutting, or gathering, or tying of the sticks, or their adjustment upon the back of the servant, those whom no duty requires to be present receive no compensation ; in all other cases the amount payable is reduced from half dire-fine to one-third of compensation.

(c). If an injury result from the slipping of the tying of the bundle, the same principles are applicable as in the case of the head of the hatchet flying off the haft ; if the bundle be tied again in the usual manner, each case of its breaking loose is treated as a first breakage. These rules as to the breaking of the bundle are to be restricted to cases in which the accident occurs in the course of its regular transit.

(d). If the bundle be placed upon a wall or uneven fence (places where it was exposed to accidents), the transaction, though legal, involves a liability for the consequences of the negligence.

(e). If the accident happen from insufficient tying, the servant without notice is in the same position as if he laid down the bundle in the usual place ; if he have notice, he is in the same position as if he laid it down in an unusual place.

(IV). The amount of the damages is affected by the existence or absence of negligence on the part of the defendant,

and by the contributory negligence of the injured party ; thus—

(a). If the bearer saw the injured person, who did not see him and was not aware of the place where the faggots were usually deposited, the bearer pays an eric-fine to the injured person, because he saw him, and the injured person pays an eric-fine to the bearer for not having seen him.

(b). If the injured person saw the bearer, and knew the place in which the faggots were usually deposited, and the bearer did not see the injured party, “eric-fine for seeing” is due from the injured person to the bearer, and “eric-fine for not seeing” is due from the bearer to the injured person.

(V). The amount of the damages payable by the plaintiff is affected by his status in the inverse ratio of his rank ; thus—

(a). The full amount of compensation is payable by a native freeman ; four-sevenths by the servant of a stranger ; two-sevenths and one-fourteenth by the servant of a foreigner ; and one-seventh by the servant of a ‘daer’-person.

(b). For injury to a cow the full amount is payable by a native freeman ; three-fifths by the servant of a stranger ; two-fifths by the servant of a foreigner ; one-fifth by the servant of a ‘daer’-person.

(c). For injury to a horse the full amount is payable by a native freeman ; three-fourths by the servant of a stranger ; five-ninths by the servant of a foreigner ; half by the servant of a ‘daer’-person.

In the commentary here analysed there are contained all the questions which in the present day should be taken into account for the purpose of increasing or mitigating the damages in an accident arising from the use of a machine ; viz—(1), the knowledge or ignorance of the defendant as to the defect from which the accident arose ; (2), whether the act of the defendant was or was not in the ordinary course of his business ; and (3), the contributory negligence of the plaintiff.

But it is to be remarked that the amount of damages, to

be diminished or increased with reference to the above considerations, is not primarily to be measured by the actual injury and loss suffered by the plaintiff. A fixed compensation having reference to the class in which the injury falls and to the rank of the person injured is assumed; and thus the actual amount is reduced or diminished, and moreover the result so arrived at is again subject to deduction with reference to the social position of the person by whom the injury was inflicted.

These cases have been selected as leading cases, with reference to actions of tort founded upon negligence, inasmuch as the subsequent cases discussed are evidently introduced merely for the purpose of illustrating the principles laid down in what was considered the leading case upon the subject.

The position and character of the Brehon, viz., that he was employed by the parties to the suit to perform a specific service, is illustrated by the fact that he was himself subject to damages for a "false judgment," and by the principles upon which, in such a case, the amount would be assessed. The amount of the damages would depend upon the following issues—(1), whether the 'false' judgment was pronounced through 'malice' or 'inadvertence'; (2), whether or not the Brehon still adhered to his 'false' judgment; and, if so, (3), whether he did so through malice or inadvertence. The highest amount of damages was payable in the case of a 'false' judgment maliciously given and maliciously adhered to; the most mitigated case, viz., a 'false' judgment inadvertently given and not adhered to, which was equivalent merely to a failure of the consideration, entailed only the forfeiture of "his twelfth" *i.e.* his remuneration.\*

The calculation of the damages payable to a person injured by a trap set for a deer, or by the deer while being driven toward the trap, appears from the references made to it to have been considered a leading case by the Brehon lawyers.† The varying elements by which in such a case the amount of damages was determined were as follow:—(1), Whether the person who set the trap had or had not a legal right to

\* Page 305.

† Page 449.

do so ; (2), whether the trap was properly fenced in, and due notice given of its existence ; (3), the nature of the place in which the trap was placed ; (4), whether the injury was done to a person or to cattle, and, if to the latter, of what species ; (5), whether the injured person had (*i.e.*, ought to have had) knowledge of the place where the trap was set ; and (6), whether the injured person was guilty of contributory negligence by unnecessarily deviating from the high road.

If the trap were fenced in, and due notice given, a person who knew the territory was entitled to no compensation ; in the same case, a person who did not know the territory was not himself entitled to compensation, but in case of his death his kinsmen were entitled to one-third 'dire' fine.

If the spear were set "between a green and a wild place," for an injury to a person, there was payable one-fourth dire-fine with compensation ; for injury to a cow, one-third of dire-fine with compensation ; for injury to a horse two-thirds of dire-fine with compensation ; but if the spear had been set in a mountain or wild place, the respective proportions of dire-fine payable in the several cases were reduced to one-fourth of one-fourth, one-third of one-third, and two-thirds of two-thirds, with compensation in each case.

If the hunter were "unlawful", *i.e.*, if the hunting was an illegal act, the amount of dire-fine in each case was fixed in a greater ratio.

The number of cases in which the possible damages could be calculated in accordance with the above heads of injury, is necessarily very large, and the principles are not clearly brought out in the commentary ; a complete analysis therefore of this passage is impossible, but the passage deserves consideration as a specimen of the manner in which such questions were worked out.

"The full *fine* which is *due* from them in a green is found in law books ; but the full *fine* which is *due* from them all between a green and a wild place, or in a mountain, or in a wild place is not found, but is inferred from the pitfall of the unlawful hunter.

"Whence is it derived that three-quarters of 'dire'-fine are



*due* from the owner of the set spear *when* between a green and a wild place for *injury* to a person? It is derived from the rule respecting the pitfall of an unlawful hunter in a green; for it is three 'cumhals' of 'dire'-fine, and one 'cumhal' of compensation that are *due* from the owner of it in a green for *injury* to a person, the fourth of that is the 'cumhal' which is *due* from it *when* between a green and a wild place for *injury* to a person; it is right from this that as it is full 'dire'-fine that is *due* from the owner of the set spear in a green for *injury* to a person, it is the fourth of 'dire'-fine that should be *due* from it between a green and a wild place for *injury* to a person.

"Whence is it derived that the third of 'dire'-fine is *due* from the owner of the set spear *when* between a green and a wild place for *injury* to a cow? It is derived from the rule respecting the unlawful pitfall within the green; for it is two cows of 'dire'-fine and one cow of compensation that are *due* on account of it *when* within the green. The third of that is the cow of compensation that is *due* on account of it *when* between a green and a wild place for *injury* to a cow; it is right, therefore, that as full fine is *due* from the owner of the set spear in a green for *injury* to a cow, it is a third of it that should be *due* from the owner of it (the set spear) *when* between a green and a wild place for *injury* to a cow," &c.\*

The same rigid and authoritative mode of assuming the damages, irrespective of the actual injury sustained, appears in the commentary upon the case of injuries received from the stings of bees which were the property of an individual. In this case the amount of the fines is laid down as follows:—(a) for a person stung to death, two hives; (b) for a person blinded, one hive; (c) for the drawing of blood, a full meal of honey; (d) for an injury leaving a lump, one-fifth of a full meal; and (e) for a white blow, three-fourths of a meal.† In this commentary, evidently contributed by various hands, other schedules of the amount of damages are contained, but the general principles are the same. If the person stung killed the bee which stung

\* Page 455.

† Page 433.

him, the value of the bee was treated as a set off *pro tanto* against the damages payable for the injury caused by the sting. "If the person has killed the bee while blinding him, or inflicting a wound on him until it reaches bleeding, a proportion of the full meal of *honey equal to the 'eric'-fine* for the wound shall be remitted in the case; the remainder is to be paid by the owner of the bee to the person *injured*," &c.\* The amount payable for the different classes of injuries to persons being thus fixed, the compensation in respect of similar injuries to beasts, has to be ascertained. This is accomplished in the following passage:—"What shall be *due* from the owners of the bees for the animals *injured*, and from the owners of the animals for the bees? If the bee has blinded or killed the animal, what shall be *the fine* for it? The proportion which the hive that is *due* from the owners of the bees bears to *the fine for their* blinding the person, or which the two hives that are *due* for their killing him bear to the natural body-fine of the person, is the proportion which the full natural 'dire'-fine of the animal shall bear to that *fine* which shall be *due* from the bee for blinding or killing it."† "What shall be *due* from a bee for making the animal bleed? The proportion which the full meal of honey that is *due* from a bee for making a person bleed bears to the hive that is *due* from it for killing him, is the proportion which the 'eric'-fine for blinding or killing the animal bears to that which will be *due* from a bee for making it bleed, *i.e.*, four-fifths is the proportion for its lump-wound, three-fifths for its white wound," &c.‡

The amount payable by the owner of the bee varied further with the social status of the parties. Taking the fine paid by a native freeman as the measure of the amount, a stranger paid one-half; a foreigner one-fourth; a 'daer'-person paid nothing, "until it reaches sick-maintenance or compensation, or, *according to others*, even when it does."§

The mode in which the Brehon took the account appears very clearly in such a case. If the bee of A injured the cow of B, he would have proceeded thus: he first ascertained

\* Page 435.

† Page 435.

‡ Page 437.

§ Page 439.

under what category the injury in question fell, and obtained the fixed value of such an injury in the case of a human being. This amount was then diminished in the ratio that the natural body-fine of B, the owner of the cow, bore to the full dire-fine for killing a cow. The result thus obtained would, if A, the owner of the bee, were not a native freeman, be diminished in a fixed ratio according to his rank; thus would be ascertained the amount to be placed primarily to the debit of A. This would be again diminished if the bee of A had been killed by the cow of B in accordance with certain fixed rules, which roughly arrived at regulating the penalty for killing the bee in the inverse ratio of the degree of injury which it had inflicted.

The most remarkable application of the law of compensation to a case of contract is the series of rules regulating the relations between creditors, debtors, and sureties,\* the object of which seems to have been not merely to enforce the payment of debts, but also to restrain the institution of unjust actions. Fairly to estimate the policy of these regulations, the irritating and apparently violent procedure necessary to enforce a reference to the Brehon must not be forgotten. They may be stated as follows:—

- A. (1.) If a creditor *malâ fide* bring a suit against a debtor before the debt be payable, he forfeits the debts and pays the debtor five 'seds' and honor-price;
- (2.) If he do so *bonâ fide* he forfeits the debt and pays five 'seds';
- (3.) If he fast against the debtor, certainly believing the money to be payable, he pays five 'seds' to the debtor.
- B. (1.) If a creditor *malâ fide* proceed against a surety before the debt is payable or the debtor had absconded, he pays five 'seds' and honor-price, and loses all right of action against the surety;
- (2.) If he fast against the surety *bonâ fide*, being certain he had the right to do so, he pays five 'seds' and loses his right of action.

\* Page 513.

- C. (1.) If the surety *mala fide* proceed against the debtor before he himself has been called upon by the creditor to pay the debt, he pays five 'seds' and honor-price, and if compelled by the creditor to pay the debt, loses his right of action against the debtor ;
- (2.) If he do so *bona fide*, he pays five 'seds,' and if compelled to pay the debt, loses his right of action against the debtor ;
- (3.) If he fast against the debtor, being certain he had a right to do so, he pays five 'seds' to the debtor, but the debtor still remains liable to pay the debt to the original creditor. To this rule, in the Commentary, the remark, evidently a note by a subsequent commentator, referring to a decided case, is annexed, viz. :—" He (*the debtor*) offered to submit to law in each case of these (that is, in cases A 3, B 2, and C 3); for if he had not so offered, the man within in this case (*the debtor against whom there was fasting*) would be like 'the person who refuses its lawful right to fasting.' "
- D. (1.) If the creditor properly proceeds against the debtor, who thereupon absconds, in such case the surety, who *mala fide* refuses to pay the debt, is liable to pay five 'seds' honor-price, and double the debt ; but
- (2.) If he *bona fide* refuse to do so, he pays five 'seds' and double the debt only ;
- (3.) If he refuse, being certain that he was not bound to pay the debt, he pays five 'seds' and double the debt.
- E. (1.) If the surety properly sue the debtor, who *mala fide* absconds, the latter pays the surety five 'seds' and honor-price.
- (2.) If the absconding debtor believe *bona fide* that the debt is not payable, he pays five 'seds' to the surety.
- (3.) If the absconding debtor be certain that the debt is not payable, he pays the surety five 'seds.'



- F. (1.) If a plaintiff, being certain that nothing is due, proceed against a defendant to recover an alleged debt, he pays five 'seds' and honor-price, and a fine according to the length to which the action had proceeded.
- (2.) If the plaintiff proceed *bonâ fide*, he pays five 'seds,' and a fine, as in the last rule ;
- (3.) If he proceed, being certain the debt was due, he pays five 'seds.'
- G. (1.) If the plaintiff proceed against an alleged surety, knowing that he had not gone security for the debtor, he pays five 'seds' and honor-price, and a fine as above ;
- (2.) If he proceed *bonâ fide*, he pays five 'seds' and a fine as above ;
- (3.) If he proceed, being certain that the defendant is in fact a security for his debtor, he pays five 'seds.'
- H. (1.) If a person, untruly alleging that he has made a payment as surety for a third party, bring an action against such third party, he pays five 'seds' and honor-price, but no fine.
- (2.) If he bring the action *bona fide*, or being certain that the defendant is primarily liable, he pays but five 'seds.'

In this case it is evident that a proceeding purely civil is complicated by the introduction of the idea of a tort having been committed in a manner wholly foreign to our modern ideas.

The confusion existing in archaic law between crimes and torts or delicts has been often noticed, but it has not been generally observed that in such a case as that last referred to, there is a similar confusion between crimes and torts on the one hand, and rights arising *e contractu* on the other. This confusion of crime, tort, and contract, does not arise from any illogical distribution of legal rights, for there is no attempt at any classification of this description, but from looking upon actions at law exclusively with reference to the jurisdiction of the judge and to the procedure.

There was an equal absence of original jurisdiction in pro-

ceedings upon a tort, or in proceedings to enforce a contract. An actual wrong, and the breach of an agreement, would alike be followed up by acts of hostility on the part of the injured person directed against the wrong-doer. In both cases alike the interference of the Brehon would represent the action of traditional public opinion restraining the justifiable retaliation of the sufferer, upon the terms of the payment to him of a fixed compensation; in both cases the action was commenced by a distress—a symbolical and regulated act of hostility—upon the commission of which, custom compelled the litigants (or private enemies) to submit their quarrel to arbitration.

In a proceeding which we should now consider a civil action, the distress and subsequent arbitration of the Brehon represent the same ideas as those upon which were founded the procedure in the Roman process known as the "*Actio Legis Sacramenti*." In this latter case the subject-matter in dispute was supposed to be in court; if movable, it was actually so; if immovable, it was symbolically represented. "In the example selected by Gaius the suit is for a slave. The proceeding begins by the plaintiff advancing with a rod, which, as Gaius expressly tells us, symbolizes a spear. He lays hold of the slave and asserts a right to him in these words: '*Hunc ego hominem ex jure Quiritium meum esse dico secundum suam causam sicut dixi*;' and then saying: '*Ecco tibi vindictam imposui*,' touches him with the spear. The defendant goes through the same series of acts and gestures. On this the Prætor intervenes and bids the litigants relax their hold: '*Mittite ambo hominem*.' They obey, and the plaintiff demands from the defendant the reason of his interference, '*Postulo nunc ut dicas quâ ex causâ vindicaveris*?'—a question which is replied to by a fresh assertion of right: '*Jus peregi sicut vindictam imposui*.' On this the first claimant offers to stake a sum of money, called a *sacramentum*, on the justice of his cause: '*Quando tu injuria provocasti D. æris sacramento te provoco*'; and the defendant, in the phrase '*Similiter ego te*,' accepts the wager."\*

The minute proceeding which took place before the judge

\* Maine, *Ancient Law*, 375.

was necessary to raise the jurisdiction, exactly as entry and ouster in the original form of an ejectment in the English law. It is impossible to misconceive the drift and meaning of the transaction. The litigant parties confront each other, spear in hand, across the subject of dispute. The public opinion of the community, embodied in the judge, requires them to lay down their weapons and submit to arbitration. The demand having been acquiesced in, the feigned wager is introduced as a fund for the remuneration of the arbitrator, and the question of right is decided by a jurisdiction evidently consensual. Under the Brehon system the aggrieved party, by distraining the goods of the wrong-doer, levies an act of war, in a manner as symbolical as the stroke of the spear in the Roman procedure. Public opinion sustains the act of the plaintiff, and restrains the defendant from retaliation, and both parties adjourn their dispute to the house of the professional arbitrator. Thus all proceedings, whether in crime, tort, or contract, under the Brehon system, are identical in origin, prosecuted in the same manner, and tend to the same result—the maintenance of the public peace, by means of a compromise.

The example cited from Roman law proves that a procedure such as that under the Brehon system might, and would, under favourable circumstances, have developed into an intelligible civil code. If the wealth of the community had increased, or if mercantile habits had been introduced, the symbolical acts originally necessary to found the jurisdiction would have fallen off, and the Brehon would have assumed the character of a civil judge. Such a legal improvement would have been contemporary with the growth of the distinction between crimes and torts; but in the disorganized and unmercantile society which existed among the Irish Celts, crimes on the one hand were not distinguished from torts, and the principles applicable to the assessment of damages in cases of contract were not distinguished from those applicable to actions founded upon torts or crimes.

The most remarkable instance of the discussion of purely speculative cases is the consideration of "the exemptions" as regards thefts committed by a cat.

"The exemption as regards a cat in a kitchen. That is, the cat is exempt *from liability* for eating the food which he finds in the kitchen owing to negligence in taking care of it; but so that it was not taken from the security of a house or vessel; and if it was so taken, *the case as regards* the food is like that of a profitable worker with a weapon, and *the case as regards* the cat is like that of an idler without a weapon; and it is safe to kill the cat in the case. The exemption as regards a cat in mousing. That is, the cat is exempt *from liability* for *injuring* an idler in catching mice when mousing; and half fine *is due* from him for the profitable worker *whom he may injure*, and the excitement of his mousing takes the other half off him."\*

In the above passage two actions are assumed to have been taken against a cat, and it is considered upon what principles the damages to be assessed against the feline defendant are to be ascertained. In the former case the wrong committed by the cat is the eating of food, or the stealing of food to eat; in the latter it is some injury to a person or thing, accidentally occurring while the cat was in the pursuit of mice. As is usual in such case the intention of the defendant or wrong-doer is considered. The cat which steals food is simply a wrongdoer as far as that specific act is concerned, and is to be considered as an "idler," that is, a person who cannot allege any excuse or justification for the act which he has committed. But if the food stolen by the cat has been left in its way through the negligence of the owner, the carelessness of the latter is set off against the trespass of the former, and no damages are payable. On the other hand, if the owner of the food be not guilty of negligence, and the cat has stolen the food from a place in which it might reasonably be considered secure, the owner of the food is considered as a profitable worker; that is, a person whose conduct entitles him to the full amount of damages, and he is authorized to use, as against the cat, all the right exercised by the owner of a house against a thief who breaks into his precinct *vi et armis*. In the second case the cat, being engaged in his legitimate business of mousing, cannot be treated as



a wrongdoer pure and simple, the injury being incident to the zealous performance of its duty. The cat therefore pays to the "profitable worker" mitigated damages, and to an "idler" who was not present in the fulfilment of any duty of his own, no damages whatsoever. A similarly imaginary case is the "exemption as regards animals throwing up clods," to which exactly the same legal principles are applied.\*

As to many of the cases discussed it is difficult to decide whether they are imaginary or are derived from reported decisions. We find in the text the "exemption of a chip in carpentry." "The exemption of pigs at the trough or in the sty." "The exemption as regards the ball in being hurled on the green of the chief 'Cathair'-fort," &c. Many such cases may represent traditional precedents, the facts of which were not more trivial than those in respect of which some of our modern leading cases were decided.

The most remarkable custom described in the Book of Aicill is the fourfold distribution of the family into the 'geilfine,' 'deirbhfine,' 'iarfine,' and 'indfine' divisions. From both the text and the commentary it appears that the object of the institution did not extend further than the regulation of the distribution of their property. Within the family seventeen members were organized in four divisions, of which the junior class, known as the 'geilfine'-division, consisted of five persons; the 'deirbhfine' the second in order, the 'iarfine' the third in order, and the 'indfine' the senior of all, consisted

\* This very extraordinary case would naturally occur to the mind of a teacher acquainted with early Celtic poetry, the authors of which delighted to depict the steeds of their heroes spurning fragments of the turf in every direction. Thus when the apparition of Cu-chulaind ascends at the bidding of St. Patrick to testify to Leaghaire as to the hell alleged by the Saint to exist, the following passage occurs in the description of the approach of the phantom troop:—"We saw then the heavy fog which dropped upon us. I asked *concerning* that heavy fog also of Benen. Benen said they were the breaths of men and horses that were traversing the plain before me. We saw then the great raven flock above us, above the country was full of them, and it was among the clouds of heaven they were for their height. I asked *concerning* that matter of Benen. Benen said they were sods from the shoes of the horses that were under Cu-chulaind's chariot." This passage, which is taken from the introductory part of the "Demoniac Chariot of Cu-chulaind," in the *Leabhar-na-h'Uidhri*, as translated by Mr. Crowe, for the Kilkenny Archaeological Society, Vol. I, 4th Series, pp. 375-76, cannot fail to remind the reader of the extravagances of the Rāmāyana.

respectively of four persons. The whole organization consisted, and could only consist of seventeen members. If any person was born into the 'geilfine'-division its eldest member was promoted into the 'deirbhfine'; the eldest member of the 'deirbhfine' passed into the 'iarfine'; the eldest member of the 'iarfine' moved in into the 'indfine'; and the eldest member of the 'indfine' passed out of the organization altogether. It would appear that this transition from a lower to a higher grade took place upon the introduction of a new member into the 'geilfine'-division, and therefore depended upon the introduction of new members, not upon the death of the seniors. The property held by any class, or by its members as such, must have been held for the benefit of the survivors or survivor of that class; but, upon the extinction of a class, the property of the class or of its members as such passed to the surviving classes or class according to special and very technical rules.

On the failure of the 'geilfine'-class, three-fourths of its property passed to the 'deirbhfine,' three-sixteenths to the 'iarfine,' and one-sixteenth to the 'indfine'-class.

On the failure of the 'deirbhfine'-class, three-fourths of its property passed to the 'geilfine,' three-sixteenths to the 'iarfine,' and one-sixteenth to the 'indfine.'

On failure of the 'iarfine'-class, three-fourths of its property passed to the 'deirbhfine,' three-sixteenths to the 'geilfine,' and one-sixteenth to the 'indfine.'

On failure of the 'indfine,' three-fourths of its property passed to the 'iarfine,' three-sixteenths to the 'deirbhfine,' and one-sixteenth to the 'geilfine.'

On failure of the 'geilfine' and 'deirbhfine'-classes, three-fourths of their property passed to the 'iarfine,' and one-fourth to the 'indfine.'

On failure of the 'indfine' and 'iarfine,' three-fourths of their property passed to the 'deirbhfine,' and one-fourth to the 'geilfine.'

On failure of the 'deirbhfine' and 'iarfine'-classes, three-fourths of their property passed to the 'geilfine,' and one-fourth to the 'indfine.'

On failure of the 'geilfine' and 'indfine,' three-fourths of

the property of the 'geilfine' passed to the 'deirbhfine' and one-fourth to the 'iarfine'; and of the property of the 'indfine,' one-fourth passed to the 'iarfine,' and one-fourth to the 'deirbhfine.'

Two possible combinations of two extinct classes, viz. :— the 'geilfine' and 'iarfine,' and the 'deirbhfine' and 'indfine,' are omitted from the commentary. It would appear that upon the failure of any two classes the whole organization required to be completed by the introduction of a sufficient number into the 'geilfine'-class and by promotion carried on through all the classes upwards; and if there were not forthcoming sufficient persons to complete the organization there was no partition among the surviving two classes, but the property went as if the deceased were not members of an organization at all. The rules as to the distribution of property upon the extinction of any one class or of any two classes may be understood from the annexed diagram.

	1	2	3	4	5	6	7	8	(9)	(10)	
Indfine, . . . .	16	1	1	1	0	8	0	8	0	0	4   4
Iarfine, . . . .	16	3	3	0	12	24	0	0	4   12	12   4	12   12
Deirbhfine, . . .	16	12	0	12	3	0	24	0	12   4	0	0
Geilfine, . . . .	16	0	12	3	1	0	8	24	0	4   12	0

The rule upon which the distribution of the property of such an organization depends appears clearly from the above diagram. Let it be assumed that each class possesses property represented by the figure 16. The class or classes extinct are denoted in the subsequent columns by a cypher, and the distribution of the property of the extinct class or classes is indicated by the numbers set opposite the names of the surviving classes. Three-fourths of the property of any extinct class pass to the next junior class, and in default of any junior surviving class, to the next senior class. The remaining one-fourth is treated in the same manner. If, exclusive of the class which has received its share, there

remains but one class, the residue passes to that class, but if two classes survive, three-fourths of the residue pass to the next junior class, and, in default, of such class, to the next senior class; and the residue, one-fourth of a fourth, or one-sixteenth of the entire, goes to the remaining class. If two classes become extinct, the property of each is distributed according to this rule, in which case, if the two classes which become extinct are next to each other, the distribution of the property of both is identically the same; but if the extinct classes are not next to each other, the property of each is distributed to the remaining classes in varying proportions. It is evident from the commentary that the original principle, however it arose, had been forgotten, so that the distribution contained in column 8 of the above diagram is very awkwardly expressed, and the cases in columns 9 and 10 are altogether omitted. The meaning of this very artificial arrangement appears from the following passage:—"If the father is alive and has two sons, and each of those sons has a family of the full number—i.e., four—it is the opinion of *lawyers* that the father would claim a man's share in every family of them, and that in this case they form two 'geilfine'-divisions. And if the property has come from another place, from a family outside, though there should be within in the family a son or a brother of the person whose property came into it, he shall not obtain it any more than any *other* man of the family." From this it appears that the whole organization existed within the family, and consisted of the actual descendants of a male member of the family, who himself continued in the power of the head of the family. As soon as a son of the house had himself four children, he and his four children formed a 'geilfine'-class, and each succeeding descendant up to the number of seventeen was introduced into the artificial body. The entire property exclusively belonging to this family within a family was confined to the members of the organization until the number exceeded seventeen, when the senior member lost his rights to the separate estate, retaining those which he possessed in the original family.



This arrangement must be regarded as an invasion of the archaic form of the family, and an introduction *pro tanto* of the idea of separate property. How or when the system arose we have no information, but arrangements equally complicated have been elaborated in the evolution of customary law.

If it be admitted that the parent and his first four children (or sons) form the original 'geilfine'-class, it may be conjectured that the term 'geilfine'-chief, so often occurring in the Brehon law, indicates a son of the head of the family, who has himself begotten four children (or sons), and thus founded as it were a family within a family; and further, that, as upon the death of the head of a family each of his sons would become the head of a new family, the 'geilfine'-relationship in such an event would disappear, and its members would resolve themselves into a family organized in the normal manner. It may be conjectured that the parent always continued in the 'geilfine'-class, and that therefore it contained five members, although the other classes comprised four only, and that hence was derived the peculiar title of 'geilfine'-chief.

The passage in the Book of Aicill relative to the legitimization of adulterine bastardy is so instructive in relation to the origin and form of the Celtic family, that it merits special attention. The important portions of the text and commentary are as follow:—"Every cuckold *has a right to his reputed son* until purchased from him. That is, to the cuckold belongs his *reputed* son until he is purchased from him *by his real father*—i.e., until there has been paid to him body-price and honor-price, according as he is a native freeman, or a stranger, or a foreigner, or a 'daer'-person, and the full price of fosterage for the length of time *he was with him*; the equivalent also of everything which he had paid for his crime shall be paid him *back*."\* "If the full *fine* of the father who takes him away be equal to the full *fine* of the *reputed* father from whom he is taken, the father who takes him away shall pay his own full *fine* to the *reputed* father from whom he has been taken. If the full *fine* of the

\* Page 311.

*reputed* father from whom he has been taken be greater, the father who has taken him out shall pay it, if he is able, but if he be not able, *the son* himself shall pay in right of his property; or it shall be paid by the father in right of the 'old promise.' "He can be taken from man to man always until the evidence of men assign him to one father, and when he has been assigned to one father by the evidence of men, he cannot be taken from him until he be assigned to another father by the test of God; and when he has been assigned to another father by the test of God, he cannot be taken from him by the test of God, or the test of men until seven 'cumhals' are paid for him. His being brought from man to man in succession is by the commentator derived from the following verses, *i.e.* :—

Free is the womb that brings forth a birth  
To produce a body,  
Whichever of a hundred persons  
Removes it."

This passage clearly shows that in the early Irish, as in other archaic societies, the nexus of the family was not marriage, but acknowledged actual descent from a common ancestor, and participation in the common duties and property of the family. The son of a married woman was *prima facie* a member of the family of the husband, but if another proved that he was the father in fact, the child belonged to the family of the adulterer. The family of the husband, however, possessed a vested interest in its reputed member, and was therefore entitled to compensation for the removal of one of its number, and also to the repayment of the previous expenses of maintenance. The claimant was also bound to indemnify the family of the husband for any payment previously made on account of the offspring. The obvious difficulty as to whether the body-fine and honor-price were to be estimated with reference to the rank of the natural or to that of the reputed father, was solved by making the claimant pay according to whichever of the two scales was the higher. The principle of the payment to be made in such a case by

the claimant to the family of the husband is the same as that which, according to the last section of the Book of Aicill, in the case of the abduction of a female member of a family, condemned the ravisher to pay compensation both to the abducted woman and to her family.\* The theory of the Celtic family is further illustrated by a passage in the first volume of the Brehon Laws which has been previously referred to.†

"Eochaidh set out, long afterwards, to go to his tribe to demand justice from them, but was met at Sliabh Fuait by Asal, son of Conn of the Hundred Battles, and by the four sons of Buidhe, . . . and by Fotline, the son whom Dorn, the daughter of Buidhe, brought forth to a stranger, of whom was said:—

'The son of Dorn is a trespasser on us,' &c.

And they slew Eochaidh Belbhuidhe, who was under the protection of Fergus. Fergus went with forces from the north to demand satisfaction, and justice was ceded to him, *i.e.*, three times seven 'cumhals,' seven 'cumhals' of gold; and seven of silver, and land of seven 'cumhals,' Inbher-Ailbhine *by name*, for the crime of the five natives; and Dorn, the daughter of Buidhe, was given as a pledge for the crime of her son, for he was the son of a stranger, or of an Albanach (Scotchman), and was begotten against the wish of, or without the knowledge of, the tribe of the mother." Dorn having been subsequently slain by Fergus, the honor price for her death was paid in various proportions to her father and brother, but not to her son. From the above passages it may be concluded that the family was based upon the descent from a male ancestor; that if the fact of the descent were admitted by the father, illegitimacy or legitimacy, according to the canon law, was immaterial; that the illegitimate offspring of two members of a family would be acknowledged as a member of the family; that the illegitimate offspring of a female member of the family, by a stranger, might be introduced into the family as a member, if begotten with the consent and knowledge of the tribe of the mother. The member of a family was of course a member of the tribe

\* Page 541.

† Pages 71—75.

which included the family. On the other hand, the illegitimate offspring of a woman by a stranger, if begotten against the wish and without the knowledge of the tribe of the mother, would have no status in either the family or tribe of the mother, and would be considered by them as a stranger or trespasser. If an office were hereditary in a family all the members of which were equally eligible for election, all questions of legitimacy or illegitimacy were unimportant. There was nothing to prevent the adulterine bastard of a chief from being elected as his father's successor; both he and the legitimate offspring of his father were equally eligible for election. If the principles laid down in the Book of Aicill had been familiarly accepted by the Irish in the sixteenth century, the controversy between the English Government and Shane O'Neill could not have assumed the form which it did. Con O'Neill had, by Alison Kelly, the wife of a smith in Dundalk, a son whom the mother brought to O'Neill when of the age of sixteen years. In 1542 Con O'Neill was created by patent Earl of Tyrone, with remainder to this son (Matthew *alias* Ferdorogh O'Neill) and his heirs male. Shane O'Neill was the son of Con O'Neill by a wife. At the date of the creation of the earldom, Matthew was undoubtedly treated and accepted by the rest of his name as a son of Con O'Neill, and if he had been his son in fact, and had been admitted to be so by his actual father, he was one of the family of the O'Neill, and as such capable of election to the Chieftaincy of Ulster. The earldom of Tyrone being limited to Matthew as a purchaser in tail, his claim under the original letters patent was quite independent of his legitimacy; his rights to the headship of his sept also were unconnected with legitimacy, as resting upon the popular election, if any such election ever took place. Nevertheless, the question of the canonical legitimacy of the Baron of Dungannon is constantly discussed in the letters of Shane O'Neill and the English Government. Shane, the champion of the Celtic race, insists that his brother was illegitimate; the English Government asserts that the succession of the house of O'Neill was



hereditary, and that the Baron was the "heir in right." At a later period, when Hugh O'Neill, the son of the Baron of Dungannon, and the *protégé* of the English, fell away into rebellion, the English Government in their proclamations reproached him with the illegitimacy of his father. Were the parties to this correspondence ignorant of, or did they purposely ignore the existence of the Brehon law? Phrases occur in the correspondence which seem to indicate that both parties knew that the ancient custom was very different from the law with reference to which they assumed to discuss the question. Cecil, in a paper of heads of arguments,\* uses these remarkable words:—"For O'Nele knew for truth that he was the son of a woman married in Dundalk to one Kelly a smith, and therefore he could not be sure that he was his son; considering also that he was sixteen years old before his mother brought him to O'Nele." Again, Shane asserted that his father "being a gentleman never denied any child that was sworn to him, and he had plenty of them." Such expressions as these seem to indicate that both writers felt that the question of illegitimacy or legitimacy, as applicable to the status of the Baron of Dungannon, turned upon the question of parentage in fact, and had no connexion with marriage; but whatever may have been the *arrière pensée* of the writers, it is almost impossible to believe that at the date of the correspondence the Brehon law was recognised in Ulster as the local law, or that its principles were still understood and accepted by the inhabitants.

The rules as to the legitimization of adulterine bastards proves that children were considered by the head of a family as a benefit and not a burthen. In every village community possessing a share of public lands, to be drawn upon as occasion may require, the share of the family in the public land or pasturage increases in proportion to the number of its members. There is, therefore, in such societies a constant legal incentive to marriage and procreation. The excessive increase of population which the local custom stimulates in such forms of society is checked in modern village com-

\* Carew MSS., vol i., pp. 304-5.

munities partly by a very high death rate, and partly by an organized system of emigration whereby overcrowded villages establish new village communities in unoccupied lands, after a systematic and organized manner.\* It is a subject of curious inquiry, as a test of the condition of the Celtic population of Ireland, to ascertain if there be any grounds for concluding whether before the Danish invasion the number of tribes or village communities in Ireland was increasing or diminishing, and whether we have grounds for drawing any conclusion as to the rate of mortality which then existed.

Inasmuch as Cormac MacAirt is alleged to be the author of the Book of Aicill, it is proper to lay before the reader a short statement as to what is known of his history and his alleged connexion with the work in question. In the year 218 A.D., Cormac Ulfada, the grandson of Conn of the Hundred Battles, and commonly called Cormac O'Cuinn, and Cormac MacAirt, commenced to reign. The annals of Tighernach (ob. A.D. 1088)

\* The following extracts from the essay of M. de Laveleye illustrate the above remarks. In his description of the Russian village commune (*mir*) he states:—"Dans l'Occident, une progéniture nombreuse est un malheur, que l'on évite par des moyens que certains économistes préconisent, mais que la morale condamne. En Russie, la naissance d'un enfant est toujours accueillie avec joie, car elle apporte à la famille des forces nouvelles pour l'avenir, et elle est un titre pour réclamer un supplément de terres à cultiver." \* \* "Ce qui dans l'organisation du *mir* doit surtout alarmer l'économiste, c'est que, contrairement aux prescriptions de Malthus, elle enlève tout obstacle à l'accroissement de la population et offre même une prime à la multiplication des enfans. En effet, chaque tête de plus donne droit, dans la partage, à une part nouvelle. Il semble donc que la population doive accroître en Russie plus rapidement que partout ailleurs. C'est même là la principale objection que M. Stuart Mill oppose à tout projet de réforme dans un sens communiste. Chose étrange cependant, la Russie est avec la France l'un des pays où la population augmente le plus lentement. La période de doublement, qui pour la France est de 120 ans environ, est de 90 ans pour la Russie, tandis qu'elle n'est que de 50 ans pour l'Angleterre et pour la Prusse." \* \* "Différentes circonstances contribuent à produire ce résultat. La première est la grande mortalité parmi les jeunes enfans." \* \* La durée moyenne de la vie est par suite en Russie très inférieure à celle qu'on a constatée dans les autres pays. Au lieu d'être de 35 ans environ, comme dans les états de l'Europe occidentale, elle n'est que 22 à 27 ans." \* \* "Pour faire place aux familles nouvelles, qu'une civilisation plus avancée appellerait à l'existence, il ne resterait alors qu'une ressource: l'emigration et la colonisation. En effet, le régime du *mir* a été autrefois un puissant agent de colonisation."—*Les Formes primitives de la Propriété*. Par M. de Laveleye.—*Revue des Deux Mondes*, tom 100, Fl. 149/155.

were selected by the late Dr. Petrie as the most authentic authority respecting the events of his reign. It is advantageous to ascertain what are the facts recorded in this chronicle. In the year 218 it is stated that Cormac, the grandson of Conn, reigned 42 years. In the year 222 are mentioned the names of 31 distinct battles; and there is mention also of the more important facts of Cormac's having had a fleet over the sea for the space of three years, of the slaughter of the maidens in the Claeinferta at Temur by the King of Leinster, and the consequent execution by Cormac of twelve Lagenian Kings, and of the exaction with an increase by him of the Borumha, or Boromean tribute. Under this year it is stated that Cormac was deposed by the Ultonians. In the year 236 A.D., six battles are recorded, and under this year Cormac is stated to have been expelled for seven months, and to have been subsequently dethroned by the Ultonians. In the year 251 A.D., one battle is recorded. In the year 254 A.D., Cormac expelled the Ultonians from Ireland to the Isle of Man, hence his name Ulfada. Under the same year the wound and death of Cormac are recorded as follows\* :—

"The wounding of Ceallach, the son of Cormac, and the killing of Setna, the son of Blae, son of the lawgiver of Temur. And the eye of Cormac Ua Cuinn broken with one blow by Aengus, the son of Fiacha Suighi, the son of Feidhlim Rechtmar, whence he was called Aengus Gabh-uuibhtheach [i.e., Aengus of the Dreadful Spear]. Cormac afterwards gained four battles over the Desii, so that he drove them into Munster, and expelled them from their [original] country."

"Cormac, the grandson of Con of the Hundred Battles, died at *Cleiteach* on Tuesday, the bone of a salmon having stuck in his throat; or it is the sheevree [genii] that killed him at the instigation of Maelcinn the Druid, as Cormac did not believe in him."†

\* Petrie, on the History and Antiquities of Tara Hill, p. 37.

† Than the late lamented Professor O'Curry, no author was more profoundly versed in the ancient Irish Manuscripts; it is, therefore, due to the memory of that great Irish scholar to introduce his views as to the records relative to Cormac Mac Art, contained in early Irish authors :—

"The character and career of Cormac Mac Art, as a governor, a warrior, a phil-

In the *Annals of Tieghernach* there is no mention made of the alleged literary or legislative celebrity of Cormac MacAirt; in the *Annals of the Four Masters*, however, there is express mention of the works upon which his reputation has rested. Under the year A.D. 266, the *Four Masters* state,\* "Cormac, oosopher, and a judge deeply versed in the laws which he was called on to administer, have, if not from his own time, at least from a very remote period, formed a fruitful subject for panegyric to the poet, the historian, and the legislator.

"Our oldest and most accredited annals record his victories and military glories; our historians dwell with rapture on his honour, his justice, and the native dignity of his character; our writers of historical romance make him the hero of many a tale of curious adventure; and our poets find in his personal accomplishments, and in the regal splendour of his reign, inexhaustible themes for their choicest numbers.

"The poet Maelmura, of Othna, who died A.D. 844, styles him Cormac *Ceolach*, or the Musical, in allusion to his refined and happy mind and disposition. *Cinaeth* (or Kenneth) O'Hartigan (who died A.D. 978) gives a glowing description of the magnificence of Cormac and of his palace at Tara. And Cuan O'Lochain, quoted in the former lecture, and who died A.D. 1024, is no less eloquent on the subject of Cormac's mental and personal qualities and the glories of his reign. He also, in the poem which has been already quoted, describes the condition and disposition of the ruins of the principal edifices at Tara, as they existed in his time; for, even at this early period (1024), the royal Tara was but a ruin. Flann, of Saint *Buithé's* Monastery, who died A.D. 1056 (the greatest, perhaps, of the scholars, historians, and poets of his time), is equally fluent in praise of Cormac as a king, a warrior, a scholar, and a judge.

"Cormac's father, Art, chief monarch of Erin, was killed in the battle of *Magh Mucruimhé*—that is, the plain of *Mucruimhé* (pron. "Mucrivy"), about A.D. 195, by Mac Con, who was the son of his sister. This Mac Con was a Munster prince, who had been banished out of Erin by Oilill Oluim, King of Munster; after which, passing into Britain and Scotland, he returned in a few years at the head of a large army of foreign adventurers, commanded chiefly by *Benné Brit*, son of the King of Britain. They sailed round by the south coast of Ireland, and landed in the bay of Galway; and being joined there by some of Mac Con's Irish adherents, they overran and ravaged the country of West Connacht. Art, the monarch, immediately mustered all the forces that he could command, and marched into Connacht, where he was joined by Mac Con's seven (or six) step-brothers, the sons of Oilill Oluim, with the forces of Munster. A battle ensued, as stated above, on the plain of Mucruimhe (between Athenree and Galway), in which Art was killed, leaving behind him an only son, Cormac, usually distinguished as Cormac *Mac Airt*—that is, Cormac the son of Art.

"On the death of his uncle Art, Mac Con assumed the monarchy of Erin, to the prejudice of the young prince Cormac, who was still in his boyhood, and who was forced to lie concealed for the time among his mother's friends in Connacht.

"Mac Con's usurpation, and his severe rule, disposed his subjects after some time to wish for his removal; and to that end young Cormac, at the solicitation of some powerful friends of his father, appeared suddenly at Tara, where his person had

\* The translation is that given in Dr. Petrie's *History and Antiquities of Tara Hill*, p. 38.



the son of Art, the son of Con, after having been forty years in the government of Ireland, died at Cletty, the bone of a salmon having stuck in his throat, through the Sheevra, whom Mailgenn the Druid induced to attack him, after Cormac had turned from the Druids to the adoration of God; wherefore a

by this time ceased to be known. One day, we are told, he entered the judgment hall of the palace at the moment that a case of royal privilege was brought before the king, Mac Con, for adjudication. For the king in ancient Erin was, in eastern fashion, believed to be gifted with peculiar wisdom as a judge among his people; and it was a part of his duty, as well as one of the chief privileges of his prerogative, to give judgment in any cases of difficulty brought before him, even though the litigants might be among the meanest of his subjects, and the subject of litigation of the smallest value. The case is thus related:—Certain sheep, the property of a certain widow residing near Tara, had strayed into the queen's private lawn, and eaten of its grass; they were captured by some of the household officers, and the case was brought before the king for judgment. The king, on hearing the case, condemned the sheep to be forfeited. Young Cormac, however, hearing this sentence, exclaimed that it was unjust, and declared that as the sheep had eaten but the fleece of the land, the most that they ought to forfeit should be their own fleeces. This view of the law appeared so wise and reasonable to the people around, that a murmur of approbation ran through the hall. Mac Con started from his seat and exclaimed, "That is the judgment of a king;" and, immediately recognising the youthful prince, ordered him to be seized; but Cormac succeeded in effecting his escape. The people, then, having recognised their rightful chief, soon revolted against the monarch, upon which Mac Con was driven into Munster, and Cormac assumed the government at Tara. And thus commenced one of the most brilliant and important reigns in Irish history.

"The following description of Cormac, from the Book of Ballymote (142, b.b.), gives a very vivid picture of the person, manners, and acts of this monarch, which it gives, however, on the authority of the older Book of *Uachongbhail*; and, even though the language is often high-coloured, it is but a picturesque clothing for actual facts, as we know from other sources (see original in Appendix, No. XXVI.):—

"A noble and illustrious king assumed the sovereignty and rule of Erin, namely, Cormac, the grandson of Conn of the Hundred Battles. The world was full of all goodness in his time; there were fruit and fatness of the land, and abundant produce of the sea, with peace, and ease, and happiness, in his time. There were no killings nor plunderings in his time, but everyone occupied his lands in happiness.

"The nobles of Erin assembled to drink the banquet of Tara, with Cormac, at a certain time. These were the kings who were assembled at that feast—namely, *Fergus Dubhdeadach* (of the black teeth), and *Eochaidh Gumat*, the two kings of Ulster; *Dunlang*, son of Enna Nia, king of Leinster; Cormac Cas, son of *Alíll Oluin*, and *Fiacha Muilleathan*, son of *Eoghan Mór*, the two kings of Munster; *Nia Mór*, the son of *Lugaidh Fírtí*, Cormac's brother by his mother, and *Eochaidh*, son of *Conall*, the two kings of Connacht; *Oengus* of the poisoned spear, king of Bregia (East Meath); and *Feradach* the son of Asal, son of *Conor* the champion, king of Meath.

demon attacked him at the instigation of the druids, and gave him a painful death. It is Cormac who composed the *Teagasca na Riogh*, to preserve manners, morals, and government in the kingdom. He was an illustrious author in laws, synchronisms, and history; for it is he that promulgated law, rule,

"The manner in which fairs and great assemblies were attended by the men of Erin, at this time, was—each king wore his kingly robe upon him, and his golden helmet on his head; for they never put their kingly diadems on but in the field of battle only.

"Magnificently did Cormac come to this great assembly; for no man, his equal in beauty, had preceded him, excepting *Conairé Mór*, son of Edersgel, or Conor, son of *Cathbadh* (pron. nearly 'Caä-fah'), or Aengus, son of the Daghdá. Splendid, indeed, was Cormac's appearance in that assembly. His hair was slightly curled, and of golden colour; a scarlet shield with engraved devices, and golden hooks, and clasps of silver; a wide-folding purple cloak on him, with a gem-set gold brooch over his breast; a gold torque around his neck; a white-collared shirt, embroidered with gold, upon him; a girdle, with golden buckles, and studded with precious stones, around him; two golden net-work sandals, with golden buckles, upon him; two spears with golden sockets, and many red bronze rivets, in his hand; while he stood in the full glow of beauty, without defect or blemish. You would think it was a shower of pearls that were set in his mouth; his lips were rubies; his symmetrical body was as white as snow; his cheek was like the mountain-ash berry; his eyes were like the aloe; his brows and eyelashes were like the sheen of a blue-black lance.

"This, then, was the shape and form in which Cormac went to this great assembly of the men of Erin. And authors say that this was the noblest convocation ever held in Erin before the Christian Faith; for the laws and enactments instituted in that meeting were those that shall prevail in Erin for ever.

"The nobles of Erin proposed to make a new classification of the people, according to their various mental and material qualifications; both kings and ollamhs (or chiefs of professions), and druids, and farmers, and soldiers, and all different classes likewise; because they were certain that whatever regulations should be ordered for Erin in that assembly, by the men of Erin, would be those which would live in it for ever. For from the time that Amergen *Gluingeal* (or of the White Knee), the *Filé* (or Poet), and one of the chiefs of the Milesian colonists, delivered the first judgment in Erin, it was to the *Fíles* alone that belonged the right of pronouncing judgments, until the disputation of the Two Sages, *Ferceirtne* the *Filé*, and *Neidhré*, son of *Adhna*, at Emania, about the beautiful mantle of the chief *Filé*, *Adhna*, who had lately died. More and more obscure to the people were the words in which these two *Fíles* discussed and decided their dispute, nor could the kings or the other *Fíles* understand them. *Concobar* (or Conor) and the other princes at that time present at Emania, said that the disputation and decision could be understood only by the two parties themselves, for that *they* did not understand them. It is manifest, said *Concobar*, all men shall have share in it from this day out for ever, but they [the *Fíles*] shall have their hereditary judgment out of it, of what all others require, every man may take his share of it. Judgment was then

and regulation for each science, and for each covenant according to justice; so that it is his laws that restrained all who adhered to them to the present time."

"It is this Cormac MacArt also that assembled the chroniclers of Ireland together at Temur, and ordered them to write the Chronicles of Ireland in one book, which was called the Psalter of Temur. It was in this book were [entered] the coeval exploits and synchronisms of the Kings of Ireland with the Kings and Emperors of the world, and of the kings of the provinces with the monarchs of Ireland. It

taken from the Filés, except their inheritance of it, and several of the men of Erin took their part of the judgment; such as the judgments of *Eochaidh*, the son of *Luchta*; and the judgments of *Fachtna*, the son of *Senchadh*; and the (apparently) false judgments of *Caradniadh Teiscthé*; and the judgments of *Morann*, the son of *Maen*; and the judgments of *Eoghan*, the son of *Durrthacht* [king of Farney]; and the judgments of *Doet* of *Neimthenn*, and the judgments of *Brigh Ambui* [daughter of *Senchadh*]; and the judgments of *Diancecht* [the *Tuath Dé Danóinn* Doctor] in matters relating to medical doctors. Although these were thus first ordered at this time, the nobles of the men of Erin (subsequently) insisted on judgment and eloquence (advocacy) being allowed to persons according to rank in the *Bretha Nemheadh* (laws of ranks); and so each man usurped the profession of another again, until this great meeting assembled around Cormac. They then again separated the professors of every art from each other in that great meeting, and each of them was ordained to his legitimate profession.

"And thus when Cormac came to the sovereignty of Erin, he found that Conor's regulations had been disregarded; and this was what induced the nobles to propose to him a new organization, in accordance with the advancement and progress of the people, from the former period. And this Cormac did; for he ordered a new code of laws and regulations to be drawn up, extending to all classes and professions. He also put the state or court regulations of the *Teach Mídhchuarta*, or Great Banqueting House of Tara, on a new and permanent footing; and revived obsolete tests and ordeals, and instituted some important new ones; thus making the Law of Testimony and Evidence as perfect and safe as it could be in such times.

"If we take this, and various other descriptions of Cormac's character as a man, a king, a scholar, a judge, and a warrior, into account, we shall see that he was no ordinary prince; and that if he had not impressed the nation with a full sense of his great superiority over his predecessors and those who came after him, there is no reason why he should have been specially selected from all the rest of the line of monarchs, to be made above all the possessor of such excellences.

"Such a man could scarcely have carried out his various behests, and the numerous provisions of his comprehensive enactments, without some written medium. And it is no unwarrantable presumption to suppose that, either by his own hand, or, at least, in his own time, by his command, his laws were committed to writing; and when we possess very ancient testimony to this effect, I can see no reason for rejecting it, or even for casting a doubt upon the statement."\*

\* MS. Materials of Ancient Irish History, pp. 42-47.

was in it was also written what the monarchs of Ireland were entitled to receive from the provincialists, and what the provincialists [i.e., provincial kings] were entitled to receive from their subjects from the noble to the subaltern. It was in it also were [described] the bounds and meres of Ireland from shore to shore, from the province to the territory, from the territory to the bally (townland), and from the bally to the *traigid* of land. These things are conspicuous in the *Leabhar na h-Uidhri*. They are also evident in the *Leabhar Dinnshenchusa*."

Upon this passage Dr. Petrie remarks, "This detail, it must be confessed, has but little agreement with the meagre and unsuspicious account given by Tieghernach. On everything stated by the Four Masters the earlier annalist is silent, except the notice of the cause of his death, and even in this what is doubtfully put by the one, is made positive by the others. Whether, however, these details are true or false, or in whatever degree they may be so, it is due to the character for veracity of the Four Masters to mention, that they found what at least appeared to them sufficient evidence upon which to ground their statements, in very ancient documents. The additional facts of importance stated by the Four Masters are three:—1, that Cormac was the author of the ancient tract called *Teagasc na Riogh*, or Instruction of the Kings. 2. That he was the author or compiler of laws which remained in force among the Irish down to the seventeenth century. And 3. That he caused the ancient chronicles of the country to be compiled in one volume, which was afterwards called the Psalter of Tara."\*

The first and third of these facts are based upon the existence of works known by the names mentioned in the text, and the second is based by Dr. Petrie upon the existence of the Book of Aicill. He came to the conclusion that at the date of the Four Masters no trustworthy traditions could well have been preserved which might form a ground for the statements of the annalists. Tieghernach was sepa-

\* Essay on the History and Antiquities of Tara Hill, p. 39. Transactions of the R.I.A. (Antiquities), vol. xviii.



rated from the era of Cormac MacAirt by a space of eight centuries, the Four Masters by a period of thirteen. Tieghernach stood in the same relation to the era of Cormac as a writer of the reign of Henry II. did to the arrival of the Saxons, from which date we are not much more removed than were the Four Masters from the reign of Cormac. A reference to the early history of Greece, Rome, or England, at once shows the great improbability of the correct transmission of any authentic tradition for such a period, even under circumstances more favourable for its preservation than Ireland ever afforded. It must be admitted that in the interval between the date of Tieghernach and the work of the Four Masters numerous Irish authors refer to the greatness of Cormac, not only as a king, but also as a judge. Their silence as to the authorship of the Book of Aicill cannot be much relied on as a proof that the Book of Aicill did not then exist, because that work may have been considered as the production of a Pagan author, while the *Senchus Mor*, stamped with the authority of St. Patrick, may have assumed the position of the authoritative Irish code. On the other hand there is not, as far as can be ascertained, a positive assertion in such authors, that the Book of Aicill, an acknowledged work of Cormac, was received as an actual legal authority. The Four Masters and Dr. Petrie therefore rest the assertion that Cormac was the author of certain laws upon those existing works which were alleged to have been composed by Cormac Mac Art, and it is upon the internal evidence of these works that the reputation of Cormac must rest.

Undoubtedly traditions existed as to the literary reputation of Cormac, but whether they had any solid basis is a point difficult to be proved. The author of the *Ogygia*, going beyond the statements of the Four Masters, informs us that there were three schools instituted by Cormac at Tara; in the first was taught military discipline, in the second history, and in the third jurisprudence. O'Flaherty wrote in the seventeenth century, thirteen hundred years after the event, and cites as his authority a poem of the fourteenth century, eleven hundred years after the reign of Cormac. As to which poem Dr. Petrie remarks, "The general silence of all other ancient authorities is in itself a presumptive evidence

either that O'Flaherty has mistaken the sense of his author, as in the instance of *Mur Ollamhan*, or that the old poet had indulged in the common Bardic propensity to exaggeration."\*

The history of Cormac MacAirt, as contained in Keating, is in itself a proof that the mode in which history was then composed on the Continent was not altogether unknown in Ireland. Dr. Keating's work was for Irish history what those of Du Haillan and Audigier were for that of France. It would perhaps be difficult to find a more extraordinary instance of the growth of tradition and its gradual expansion than Keating's account of the death of Cormac, as contrasted with the narration of the same occurrence in Tieghernach. The comparison of the blinding of Cormac in these two authors is a further instance of the manner in which the recital of the original annalist could, in process of time, be amplified. Such exaggerations need scarcely to be referred to even for the purpose of confutation.†

Upon the internal evidence only contained in such a work as the Book of Aicill, can any conclusions be based as to its date or authorship. It must be remembered that there exists no cotemporary evidence of any of the facts of early Irish history; no inscriptions or coins enable us to fix dates or to identify personages. The only trustworthy evidence is the existing testimony of manuscripts which are themselves separated by centuries from the transactions treated of, and are entitled at least to no more credit than cotemporary Continental authorities.

Assuming the assertion of the Four Masters as to the legislation of Cormac to be based upon the Book of Aicill itself, let us inquire of that work what grounds it affords for the opinion that it was composed by Cormac, and in so doing, let us assume the proposition—a proposition by no means unquestionable—that not only was the art of writing known to the Irish in the third century, but that it was customarily used for the record of customary law.

\* History and Antiquities of Tara Hill, page 49.

† In justice to the authors of such highly-coloured statements, it must however be borne in mind that works extant in their time, and on which they may have relied as authorities, have since disappeared, and are probably altogether lost.

The Book of Aicill contains not only the *sententiæ* ascribed to Cormac, but also those attributed to Cendfaeladh the son of Ailel. As the latter is stated in the text to have learned law whilst laid up in consequence of wounds received by him in the battle of Moira A.D. 642, it is evident that his part of the work cannot have been composed until at least four centuries after the death of Cormac, that therefore the earliest evidence of Cormac's having been the author of certain legal opinions cannot be placed prior to the end of the seventh century, and that the only part of the work ascribed to him is a certain portion of the text which is entirely independent of the introduction and commentary.

The sole authority for the statement that these *sententiæ* are derived from Cormac, rests upon the evidence of the editor who composed the preface and arranged the work. The name, date, and residence of this editor are unknown, nor does he give us any hint as to the grounds upon which he attributed any portion of the work to Cormac; all that he can be admitted to prove is, that *at the date of the composition of the work*, as it has come down to us, certain legal maxims embodied in it were popularly attributed to Cormac. The value of such popular tradition necessarily depends upon the interval of time by which the fact testified to is separated from the tradition which asserts it, and the existence of surrounding circumstances which tend to preserve a tradition unaltered. To estimate the value of the popular opinion testified to by the editor, the date of the redaction of the work itself must be fixed.\*

\* It is but right here to state the published opinions of the late Professor O'Curry as to the Book of Aicill:—

"It is not probable that any laws or enactments forged at a later period, could be imposed on a people who possessed in such abundance the means of testing the genuineness of their origin, by recourse to other sources of information; and the same arguments which apply in the case of the *Saltair of Tara*, may be used in regard to another work assigned to Cormac, of which mention will be presently made. Nor is this all; but there is no reason whatever to deny that a book, such as the *Saltair of Tara* is represented to have been, was in existence at Tara a long time before Cormac's reign; and that Cormac only altered and enlarged it to meet the circumstances of his own times.

These bards and druids, of which our ancient records make such frequent mention, must have had some mode of perpetuating their arts, else it would have been impossible for those arts to have been transmitted so faithfully and fully as we know they were. It is true that the student in the learning of the *Fíle* is said to

The date of the redaction of the work may be tested by the contents of the introduction, the condition of the language, and the nature of the customary law embodied in it. Upon none of these points however is it possible to draw any definite conclusion. In the introduction the author attempts to derive the word *aitged* from Hebrew, Greek, and Latin roots respectively. What are the derivations which he has failed to explain is immaterial; this however is certain, that he wrote at a time when there existed, or rather there was professed, some knowledge not only of Latin but also of Greek and Hebrew. He was further acquainted, very imperfectly indeed, with the scholastic logic. To what earliest date in the case of a work composed in France or England during the middle ages would such evidence point? Would such evidence in the case of a work such as the introduction to the Book of Aicill composed in Ireland point to a higher or lower date than in the case of a similar work composed in France or England? In considering the latter question, it must be borne in mind that the work is a purely native production, and that its date should be tested with reference to the level of knowledge existing in Ireland, not with reference to that of Irish scholars settled or met with on the Continent.\* The silence of Tieghernach upon the subject is also negative evidence of the utmost weight.

have spent some twelve years in study, before he was pronounced an adept; and this may be supposed to imply that the instruction was verbal; but we have it from various writers, even as late as the sixteenth and seventeenth centuries, that it was customary with the medical, law, and civil students of these times, to read the classics and study their professions for twenty years. \* \*

"There still exists, I should state to you, a Law Tract, attributed to Cormac. It is called the Book of Acaill, and is always found annexed to a Law Treatise by *Cennfaelad* the learned, who died in A.D. 877. \* \* (Vide preface to the Book of Aicill in the present Volume.)

"Such is the account of this curious tract, as found prefixed to all the copies of it that we now know; and, though the composition of this preface must be of a much later date than Cormac's time, still it bears internal evidence of great antiquity."†

\* The study of Greek does not seem to have been very successfully pursued in the Irish schools of the tenth century. The scholarship of the author of the Glossary of Cormac was very limited. Mr. Stokes speaks of "the extraordinary ignorance of Greek evidenced by the composer (of the Glossary), which, even at the beginning of the tenth century, would startle one in an episcopal countryman of Johannes Scotus Erigena." (Old Irish Glossaries, page xvi., and note.)

† MS. Materials of Ancient Irish History, p. 48.



The application of what may be called a philological test to an ancient document, with the object of ascertaining the date of its composition, is a process of very great difficulty and requiring extreme caution. In the first place we must be certain that the document so treated preserves the *ipsissima verba* of the original author. This essential requisite is possessed alone by lapidary inscriptions and coins. The decrees of Asoka, the rock inscriptions in Korsabad or the Moabite inscription, present respectively the speech of their authors in the minutest details; but a manuscript has been probably subjected upon each fresh transcription to a constant course of emendation.\* In the case of works of practical utility, such as the present tract, as long as the original text was tolerably comprehensible, each successive scribe would assimilate its grammatical forms to the current speech of the period; and again, after the original work had ceased to be understood by ordinary readers, the ancient text would be subject to unintelligent corruption. The philological condition of any manuscript, such as those of the Brehon law, represents therefore a state of the language subsequent to the date of the original work. Assuming that the document retains its original form, its philological condition is useless in fixing its date, unless we possess unaltered documents, the date of which can be actually and independently ascertained. In the case of most European countries, this requisite is met by the existence of lapidary inscriptions and coins, by the aid of which the form of the language at distinct dates can be satisfactorily established. It cannot be too often remarked that such documents are wholly unknown to Irish antiquaries; we possess no lapidary inscriptions, the dates of which can be fixed,† and no coins whatsoever. Then, the more or less archaic form of the language of any Irish document does not afford any indication of its date, as we have no means

\* In the MS. H. 3-17, p. 157, the statement is made that it was changed from hard original Gaelic and put into fair Gaelic by Gilla-na-Naemh, son of Dunsleavey Mac Aedhagain. See *Senchus Mor*, vol. I., p. xxxvi.

† The Ogham inscriptions, in the deciphering of which some progress has been made, are too short and undated to form the basis of any philological induction.

of constructing any chronological table of the changes in the language. The greater or less antiquity indicated by archaic forms of a language depends upon the greater or less rapidity with which the language itself was developed. It is well known that the changes in different languages proceed at very different rates. Before the introduction of a national literature the fluctuations of language are altogether uncertain. Among some barbarous tribes, members of the same community, separated during a very few generations, are unable to hold intercourse with each other; on the other hand, some nations possessing no literature have retained archaic forms with peculiar tenacity, as in the well known case of the Lithuanians. The languages even of nations possessing a national literature change at very varying rates; the Italian of Dante is perfectly intelligible to an educated Italian, but an Englishman has to study the *Vision of Piers Ploughman* almost as a foreign language.

The archaic form of the original text of the Brehon law, as found in existing MSS., does not therefore necessarily imply any very great antiquity unless we are able to identify its grammatical and philological forms with those of works the date of which can be proved by extrinsic evidence. The first step to this important result has undoubtedly been taken in the treatise of the Cavaliere Nigra upon the verses and glosses comprised in the Irish MS. of St. Gall, the date of which is proved from internal evidence to be between A.D. 850 and A.D. 869. No subject can be more worthy of the attention of Celtic philologists, such as Stokes and Pictet, than an inquiry as to whether the original text of the Book of Aicill (supposed to be one of the most ancient of the Brehon tracts) exhibits a form of the language anterior or subsequent to the Irish passages contained in the St. Gall MS. The editors are decidedly of opinion that the language of the original text of the Book of Aicill, as represented by the existing MSS. accessible to them, is not older than the Irish of the St. Gall MS.\* At

\* It is impossible to conclude the consideration of the mode in which the question of the date of the Book of Aicill should be discussed without some reference to the work known as Cormac's Glossary, which has been carefully edited by

the same time it must be remembered that the grammatical and philological condition of the text can only fix the date of the last revision, and that the original text may have exhibited a far more archaic form of the language.

Dr. Stokes from materials prepared by the late Dr. O'Donovan; the text being taken from a MS. preserved in the library of the Royal Irish Academy. The arguments in favour of the great antiquity of the Brehon laws, as founded upon Cormac's Glossary, would appear to be:—(1), that the existence of the Glossary, which contains numerous references to the Brehon law books, proves that the works referred to were to some extent unintelligible in the time of Cormac; and (2), that in the text of the Glossary we possess a specimen of the Irish language as it existed at the time of the author, by a comparison with which, the very archaic form of the Irish contained in the Brehon law books is at once demonstrated.

Let us then consider how far the latter argument has any foundation in fact. Cormac, the son of Cuilennán, born A.D. 831, was a prince of Cashel, who, subsequently having become the bishop of that see, was slain in the battle of Bealach Mughna, A.D. 903. It is first to be inquired whether this Cormac wrote any Glossary? and, if so, whether that now published under his name is authentic? Without entering further into this question, let it be admitted, in the words of Mr. Stokes:—"On the whole we may safely say that the proofs adduced in the former part of this preface sufficiently show that the greater part of what is commonly called Cormac's Glossary was written in the time of Cormac, or at least within a century or so after his death." If it be satisfactorily shown that the work in question was composed in the tenth century, it is immaterial for the present question who was its author. But does the published edition exhibit the text of the work as originally composed? So far from this being the fact, both internal and external evidence demonstrate that the text as it exists differs very widely from that of the original work. We may with confidence refer to the opinion of Mr. Stokes:—"At first sight all merely acquainted with the old Irish Glosses, published by Zeuss, and with the old Irish passages preserved in the Book of Armagh, would be apt to conclude, from the comparatively modern orthography of our text, from the declensional mutilations of the article and nouns, and from the absence of pronominal infixations in the compound verbs, that it could not possibly lay claim to a greater antiquity than the fourteenth or fifteenth century. But the spelling of the fragment in the Book of Leinster is tolerably pure, and there the declensional forms are quite Zeussian." Again, Mr. Stokes remarks:—"It may, however, be said that all through the Glossary the spelling and the declensional and syntactical forms are quite Middle-Irish. . . . All these modernisms, however, weigh little with any one familiar with the liberty which mediæval Irish scribes allowed themselves in making the grammatical forms of the manuscripts from which they transcribed agree with those of their own time. In the present instance, too, many of these late forms are represented by Old-Irish forms in the corresponding passages in one or more of the other codices."

The present text of the Glossary represents then the Irish of the fourteenth or fifteenth century, to which the text of the date of the fragment in the Book of Leinster (of the twelfth century) has been gradually conformed. But does the

The more or less archaic form of the laws contained in any ancient law tract affords no means of fixing the date of the original text. The rate of change in the social condition and legal forms of a community is even more uncertain than the rate of change in its language. Without external evidence, of which on the present occasion we are wholly destitute, it is equally possible to conclude that the date of the text is very remote or that an archaic system continued for a long period without modification.

We have no means of ascertaining how far the introduction to the Book of Aicill represents a genuine popular tradition of the acts of Cormac MacAirt; upon this subject we can form no opinion until the date of the original text and introduction can be fixed by independent evidence. It is however noteworthy that the Annals of Tieghernach are quite inconsistent with the statement that Cormac MacAirt after his wound retired to the hill of Aicill, and henceforward lived in seclusion. The interval between his blinding and

text, of which a fragment is preserved in the Book of Leinster, represent the original text of the tenth century? What reason is there for believing that the text as it existed in the twelfth century had not been previously submitted to the same influences by which we know that it was subsequently modified? Are there grounds for believing that the original text of Cormac's Glossary was much more modern than, or differed much from, the Irish of the Brehon Law Tracts?

To the supposition, that the Irish of the Brehon Law Tracts is not necessarily older than the ninth century, the objection may be made, that if the Irish of the Brehon Tracts be not older than the ninth century, what reason could there have been for the explanation of some of the terms of those laws in a glossary of the tenth century? To this it may be fairly replied, that the compilation of a glossary of the difficult terms contained in any specific works proves not that the general text of the works in question had become obsolete, but that the text, while remaining generally comprehensible, contained certain archaic phrases and words. The time within which any book would require a glossary for the use of the student depends also to a great extent upon the subject-matter of the book itself. Some works, from their very nature, are likely to contain words archaic, and requiring explanation even at the date of their composition. A collection of traditionary legal maxims and professional comments upon them necessarily includes numerous words which have fallen out of ordinary use; hence a glossary may cite archaic words from a contemporary law book. An English philologist of the seventeenth century might have drawn largely upon Coke or Littleton.

The Book of Aicill is not cited as an authority in Cormac's Glossary, but the *Senchus Mór* is referred to, and it seems to be generally admitted that the Book of Aicill is, if not more ancient, at least not more modern than the *Senchus Mór*.



death in Tieghernach is very small, both events being placed in the same year, and to this period are attributed his four victories over the Deisi. It must be admitted that the very uncertain and fluctuating chronology of early historians renders it impossible to rely with confidence upon such an argument. Early Irish chronology was involved in almost inextricable confusion by the difference of dates employed, some chroniclers using the era, A.P., or year of our Lord's Passion, while others employed the era, A.D., or year of our Lord's Incarnation. Hence arose difficulties and doubts even as to the date of St. Patrick's arrival in Ireland. Vide "Senchus Mor," vol. ii., Preface pp. xxv., xxvi. If however it should be proved that there is no more evidence that the portion of the Book of Aicill attributed to Cormac Mac Airt represents the genuine decisions of that celebrated king, than that Numa was the author of the institutions attributed to him, the fact that the traditional fame of Cormac was sufficient to cause his name to be attached to the ancient customary rules of the Irish in the very important province of what may be styled their criminal law, clearly proves how great was the impression which he made upon the minds of his cotemporaries. Nor is it surprising that the most ancient customs of the nation bore the name of the king, who, having been a wanderer in foreign lands, might have easily become acquainted with the use of letters, supposing them to be not generally known in Ireland at the time, and have been enabled, as early tradition expressly asserts, to introduce into his native land the useful inventions which were practised by the Roman legions in Britain,\* a king whom the popular traditions of the Christian period strove to exempt from the doom in which their Pagan ancestors were involved.

\* The introduction of the water-mill into Ireland was attributed to Cormac. It had been invented by Mithridates of Pontus, and was doubtless in use at the Roman military stations in the province of Valentia. See the poem ascribed to Cuan O'Lochain, quoted from the MS. H. 3 3, T.C.D., by Dr. Petrie, in the History and Antiquities of Tara Hill, p. 147, lines 6-19; and also, The Parish of Templemore, in the Ordnance Survey of Ireland.



## APPENDIX TO THE PREFACE.

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THE MSS. from which the Irish of the present volume has been mainly obtained are the collections marked H. 2. 15, H. 3. 17, and E. 3. 5, in the library of Trinity College, Dublin.

A few short passages, words, and phrases have been taken from the collection of MSS. marked H. 3. 18, in the library of Trinity College, Dublin, from the MS. marked Egerton 88, in the British Museum library, from one marked Egerton 90, in the same library, and from two MSS. in the library of the Royal Irish Academy, marked respectively in the Brehon Law transcripts, 35. 5 and 43. 6, but known in the new classification of the MSS. of that institution, the former as  $\frac{23}{Q. 5}$ , and the latter as  $\frac{23}{P. 5}$ . These passages, &c., &c., have been introduced in the way of interpolation where they contained any matter not found in the three MSS. first mentioned.

Of the MSS. made use of for this volume the two in the collections H. 2. 15, and H. 3. 17, furnished almost the entire text, glosses, and commentary of the *Corus Bescna*, the concluding part of the *Senchus Mor*. A *fac-simile* specimen page of each of these MSS. was prefixed to the second volume of the *Ancient Laws and Institutes of Ireland*, and they will be found so fully described in the preface to that, and also in the preface to the first volume of the same work, that it is unnecessary to describe them at any length here.

H. 2. 15, is a large folio volume consisting of 238 pages, written partly on vellum, partly on paper. The part treating of Brehon laws appears to have been written not later than the beginning of the fourteenth century of the Christian era.

H. 3. 17, is a collection of MSS. forming a thick volume in small quarto, written on vellum. Its contents are miscel-

laneous, chiefly law tracts. It consists of fragments of several books, written at various times in the fourteenth, fifteenth, and sixteenth centuries.

The materials for the second and much larger part of the volume now issued to the public have been derived from the collection of MSS. marked E. 3. 5, in the library of Trinity College, Dublin. This collection forms a folio volume of about 100 pages, written on vellum about the first half of the fifteenth century of our era. The part transcribed and translated for the Brehon Law Commissioners consists of twenty pages of very large folio, treating of Brehon laws, and forty pages of smaller sized folio, containing the laws ascribed partly to Cormac Mac Airt, monarch of Ireland, in the third century, and partly to Cennfaeladh, who flourished at a much later date. This latter part begins with a statement as to the place of the composition of the work, its author, occasion, &c.; the authorship is ascribed expressly to the two persons above named, marks being specified by which to distinguish the portion contributed by each. The nature and date of these laws have been discussed in an earlier part of the preface to the present volume. A *fac-simile* specimen page of the MS. is prefixed.

The copy of the Book of Aicill contained in E. 3. 5, is the only known copy of that book at all approaching completeness, except, indeed, one in the library of Lord Ashburnham, which is believed to be an earlier and, in some respects, a fuller copy, but which, unfortunately, neither the Brehon Law Commissioners nor the editors employed by them were enabled to avail themselves of, the rules of that nobleman's library not permitting his collection of MSS. to be made use of for the purposes of the Commission.

It would of course have been very desirable to collate the copy in Lord Ashburnham's collection with that in E. 3. 5, T.C.D., had the opportunity been afforded. There is, however, good reason to believe that little advantage to the student of ancient Irish law would have been gained by such collation, inasmuch as from an examination of the contents of



that MS. as set forth at considerable length by Dr. O'Connor in the Stowe catalogue, and as given also by the late Dr. Petrie in his *History and Antiquities of Tara Hill*, it will be seen that scarcely any article stated to be contained therein is wanting in the T.C.D. copy, while several items, not noticed as existing in the Stowe copy, are found in the T.C.D. MS., or in the fragments obtained from Egerton 88 and Egerton 90, in the library of British Museum, and from the MSS. in the Royal Irish Academy. Dr. O'Connor, in the catalogue above mentioned, speaks of the MS. he was describing as a unique copy of Brehon laws; but as the present publication proves, he was on this point misinformed. The copy in E. 3. 5, T.C.D., and the interpolations from the MSS. in the British Museum and in the Royal Irish Academy, supply, it is believed, as complete a collection of the laws traditionally, and doubtless in a great degree correctly, ascribed to Cormac Mac Airt and Cennfaeladh as the existing MSS. of the Brehon laws can furnish.

Egerton 88, a MS. from which some assistance has been obtained in editing the present volume, has been fully described in the preface to the second volume of the *Senchus Mor*. It is a small folio book, consisting of about 93 folios, the greater part in double columns, with a small portion at the end in triple columns. It bears internal evidence of having been copied for Domhnall O'Davoren who, according to Professor O'Curry, kept a law school in the county Clare, in the year 1567, A.D. The portions taken from it will be found enclosed within brackets, and marked in the margin of this volume, from C. 2137 to C. 2603.

Egerton 90, from which a few passages have been taken, is a MS. of a fragmentary character. It is very probably a part of Egerton 88, or of some other of O'Davoren's books. It consists of eight leaves, and treats of various law matters. The portions relating to the subjects discussed in the *Book of Aicill*, and containing matter not found in the MS. E. 3. 5, have been interpolated in their proper places. They form

part of the transcripts made by Dr. O'Donovan, and will be found referred to in the margin of Vol. III., between O'D. 1956 and O'D. 2019. The fragments of Brehon laws in this MS. are apparently portions of different books, the first part having formed a portion of a large octavo, or small quarto volume, and the second part a portion of a small folio. Both parts have ornamental capital letters; the first has fewer accents but more frequent marks of aspiration; the second is written in a smaller and neater hand.

The MS. marked in the Brehon Law transcripts as R.I.A. 35.5, is a small parchment folio of fifty-two pages which are mere fragments of different books, written apparently in the sixteenth century, and containing laws and regulations on various subjects. It has been copied in the O'Curry transcripts. The portions interpolated from it are marked C. in the margin of the Book of Aicill, as published in the present volume, with an Arabic numeral indicating the page of the O'Curry transcripts where the part interpolated is to be found.

The MS. now marked  $\frac{20}{F.3.}$  in the R.I.A. collection, and formerly 43.6 is a folio volume, written on vellum, and treating for the most part of religious subjects, but containing at the end two small fragments of different law books, in a hand apparently of about the middle of the fifteenth century. A copy of these law fragments is contained in the O'Curry transcripts, from page 1862 to page 1940. The portions interpolated from this MS. in the present volume will be found within brackets, and marked on the margin at the beginning of each interpolation with a numeral indicating the page of the transcript where such interpolation is to be found.

The text of the volume now given to the public has been settled on the plan so fully described in the prefaces to the two volumes already published. The whole of it (with the exception of a few short and comparatively unimportant passages) has been taken from Dr. O'Donovan's transcripts.

It has been carefully collated with the original MSS. in every instance. The interpolations are all such as that distinguished scholar recommended, and are placed where according to the best of his judgment they ought to be introduced. The lengthening out of the contractions which occur in the original MSS. has been given everywhere on his authority and that of Professor O'Curry, who were perhaps of all men that have lived within the last two centuries, the best authorities on all matters connected with our Irish MSS. preserved in this country.

With respect to the translation of the present volume, it is to be understood that the preliminary translation made by Dr. O'Donovan for the Brehon Law Commissioners has been made, throughout, the basis of that now published. The translation of the first tract, the *Corus Bescna*, or customary law, he did not live to revise. It has however been carefully revised throughout; some words and phrases left untranslated have been rendered into English after mature consideration, and a diligent examination of all available glossaries, as well as of passages elsewhere occurring in the Irish laws wherein the words and phrases in question were to be found. Both in this tract and in that which follows, as also in the two volumes already published, a few terms of a technical character for which it was difficult to find a precise equivalent, have been left untranslated, and marked with inverted commas. As the work of publishing the remainder of the Ancient Irish laws proceeds, there is reason to hope that light will be thrown on passages now very obscure; and at the conclusion of the whole work it will not be difficult to supply a glossary of all such words and phrases as it may have been deemed advisable to leave untranslated before. This course was followed in the publication both of the Ancient Laws of England, and of the Ancient Laws of Wales. Indeed a comparison of these latter works with the published volumes of the Irish laws will show at a glance that the proportion of words and phrases left untranslated in the latter is much less than is the case in either of the former.

As regards the second and by far the larger portion of the volume, the Book of Aicill, the editors had the advantage of the views and suggestions not only of Dr. O'Donovan, but also of Professor O'Curry. The Book of Aicill was translated by Professor O'Curry for the Royal Irish Academy so far back as the year 1843, with a view of proving the possibility of translating the Brehon Laws. It was afterwards translated for the Brehon Law Commissioners by Dr. O'Donovan. Owing to the great difficulties in the translation of the law terms of these earlier portions of the Ancient Irish Laws, the two translations presented considerable differences, and a large number of law terms was left untranslated. The differences in the translations were collated by Dr. Hancock, the first legal Editor, and his assistant, Mr. Busteed, now Judge Busteed. These differences were brought under the notice of Dr. O'Donovan and Professor O'Curry, and on careful consultation, a revised, and what in many cases amounted to a new translation, of a large part of the work was made. With the aid of the light thus thrown on the interpretation of the law terms, Dr. O'Donovan translated a large number of the words which had been left untranslated in his first draft. The translations made by Dr. O'Donovan under these circumstances were subsequently made use of in revising the whole of Dr. O'Donovan's translation. A portion thereof, about three sheets, was set up in type, and even reached a second proof. On these sheets remarks were made by Professor O'Curry and Dr. O'Donovan; and suggestions were offered as to the manner in which the work should be edited. Dr. O'Donovan had revised more than half the Irish in MS., and had arranged as to the portions to be interpolated, and the places where they ought, according to his judgment, to be introduced. When the work had reached this stage, the Commissioners adopted the plan of separate instead of joint Irish editorship; the *Senchus Mor* was entrusted to Dr. O'Donovan, and the Book of Aicill, on which Dr. O'Donovan and Professor O'Curry had done so much, was postponed. After Dr. O'Donovan's death, Professor O'Curry completed the revision of the Irish MS. of the Book of Aicill, but the



plan of publishing it under his editorship was prevented by his death. Of all that had been done on the work by the eminent Irish scholars whose premature loss the lovers of Irish literature must always deplore, the present editors have had the advantage, an advantage which they thankfully acknowledge to have been of the utmost value to them. Dr. O'Donovan's translation of the Book of Aicill revised as above explained, has been substantially followed, such alterations only being made as it may reasonably be inferred from the pages corrected by him in proof he would himself have made, had he been spared to revise all the proofs.

## CORRIGENDA.

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- Page 3, side-note, for *Irish contracts by word of mouth* read *Ir. Contracts of mouth.*
- „ 7, line 23, for '*is known*' read '*is discovered.*'
- „ 13, „ 26, for '*absconding*' read '*request.*'
- „ 15, „ 6 from bottom, for '*According to*' read '*Subject to.*'
- „ 19, for '*security*' read '*warranty.*'
- „ 21, line 6 from bottom, for '*a collection*' read '*the assembly.*'
- „ 33, „ 6, for '*in each*' read '*in the.*'
- „ 35, „ 13, for '*state*' read '*position.*'
- „ 39, „ 12, for '*the first lawful wife*' read '*a lawful first wife.*'
- „ 43, last line, first word, for '*cows*' read '*seds.*'
- „ 49, line 25, for '*if it be*' read '*if he be.*'
- „ 62, „ 6, *dele* comma after '*œnum.*'
- „ 63, „ 14, after '*every*' read '*one.*'
- „ 66, note 1, for '*note 2*', page 32, read '*note 1*', page 28.'
- „ 91, line 4, for '*in Irish*' read '*with the Irishian.*'
- „ 107, note 2, for '*pingims*' read '*pinginna.*'
- „ 128, line 1, for '*ῥεοιῖν*' read *ῥεοιῖν.*
- „ 151, „ 23, for '*anfolam*' read '*ansolam.*'
- „ 155, „ 5, for '*said*' read '*said.*'
- „ 358, note 1, for '*read*' *put* '*reads.*'
- „ 381, line 4 from bottom, for '*beef*' read '*the beef.*'
- „ 460, note 2, for '*of the owner*' read '*to the owner.*'
- „ 463, line 25, for '*chattel*' read '*sed.*'
- „ 539, „ 18, for '*mulct is paid*' read '*airer'-fine is exacted.*'

senchus mor.

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SENCUS MOR.

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PART III.

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## senchus mor.

### corus beschna.

CUSTOM-  
ARY LAW.

Co harraigar a coruib bel, ar ir bailedach in bith muna aratatar cuir bel ?

Corur beschna .i. cuir fear, fear doir in bapera gnas no anbinne: Co harraigar, cinntur airgidir he for treabairne co cuir o belaid. Oir ir bailedach .i. air no bato elodach a ba, a maith irin bith, muna tiorair co huair da artuó na cuir tucato rir co cuir o belaid.

Cor da rochoinn co rir ocu treabairne ir taitimechta ne cetheora huairuib fichet uile; ir artaide o cetheora uairuib fichet amach.

Cor da rochoinn cen rir, cen treabairne, ir taitimechta a tuabairt uile co raib rir ne dechmaide iar rir a tuabairt. Ir lanuileir uad iar noémaró.

Cor da rochoinn cen rir co treabairne, no raig leath a tuabairt co deémaró iar rir.

Cor da rochoinn co rir cen treabairne, ir artaide trian a tuabairt aine iar cetheora huairuib fichet, no raig da trian a tuabairt co deémaró, no da trian a cunraota maó ferur lair: ocu ir e trian caé cor mbel in rairn. Trian cor mbel imorra trian a tuabairt.

Cor da rochoinn cen rir cen treabairne, ocu no cuinnis a

<sup>1</sup> *Corus Beschna*.—In O'D. 18, this is called *Cain Corusa Beschna*, and said to be the fifth book of the *Senchus Mor*.

<sup>2</sup> O'D. 313, adds here:—"And this was the security of extern people."

<sup>3</sup> *The third of the fraud*.—In O'D. 798 and 794 the following commentary occurs:—"The third of the express contract, i.e. the third of the thing which one gives away by proper express conveyance. In a contract of two sane adults with



## SENCUS MOR.

### CORUS BESCNA,<sup>1</sup> OR THE CUSTOMARY LAW.

HOW is one bound by express contracts,<sup>2</sup> for the world would be evilly situated, if express contracts were not binding?

CUSTOM-  
ARY LAW.

<sup>2</sup> Irish  
contracts  
by word of  
mouth.

Corus Bescna, i.e. the true rule ('coir seis') of the pleasant or delightful knowledge. How is one bound, i.e. how is he properly bound by his warranty by word of mouth? For the world would be evilly situated, for its 'ba,' i.e. goodness would vanish from the world, if the contracts properly made by word of mouth had not nobly come to retain it (*the goodness*).

The contracts of two sane adults with knowledge and warranty is dissoluble in twenty-four hours; it is binding from twenty-four hours forth.

In the contract of two sane adults without knowledge, without warranty, all its fraud may be dissolved for ten days after the fraud is known. It is completely binding on him (*the defrauded party*), after ten days.

In the contract of two sane adults without knowledge, but with warranty, he may recover half the fraud (*the amount in which he is defrauded*) within ten days after knowledge of it.<sup>3</sup>

In the contract of two sane adults with knowledge but without security, the third of the fraud (*the amount in which he is defrauded*) is irrecoverable by him (*the defrauded party*) after the lapse of twenty-four hours, but he may recover two-thirds of what he is defrauded in till ten days, or two-thirds of his contract (*the consideration given by him under the contract*) if he prefers it, and this is the third of every express contract. The third of the express contract is (*to be taken to be equivalent to*) the third of the fraud.<sup>3</sup>

In the contract of two sane adults without knowledge, without warranty, in case he demanded *the amount of the fraud committed on*

knowledge, without warranty, if one finds that he is defrauded, he has his choice either to recover two-thirds of the fraud (*the amount in which he is defrauded*) and forfeit the other third, retaining what he bought, or to recover two-thirds of the fraud (*the amount in which he is defrauded*) and two-thirds of what he gave for the goods and forfeit one-third of both, and return his purchase."

CUSTOM-  
ARY LAW.

οιυβαιρε ιαρταιν, μυνα ταρταρ ολιγε δο, ιε ολιρι το α ρεοιτ ρειν, cenι τριοιρce. Όια τριοιρce ιρ cuic ρεοιτ, ocuy commerruγcυδ ρολαδ, οια noamταρ ceρt το. Μυνα oaintαρ ceρt το ιρ α ρολα ρειν λαιρ ocuy cuic ρεοιτ.

Caip eip liρ chuir dochuipin ? Nin. A do ; rochar, ocuy docop.

Caip .i. comaircim cia liρ no cia lin do coraib tapaircear an-o-Sochar .i. cor comloige. Docop .i. oiubairca.

Caip eip liρ in rocop ? Nin. A tri ; cor iup da lan, iup da ρaep, iup da ρoδonο, nao ρuarηaictepi cuir.

Caip .i. comaircim cia liρ no cia lin do epηaiaib ρuil ρop in rochor iup. Cor iup da lan .i. ρολαο comtoipnicthe .i. nach inoiep cor cio iup da ecconο. I iup da ρaep .i. iup da ρopep, ρip ρaepa ρoaelba nao ρuarηaictepi cuir, .i. ρip oiaηao cuna a nepcipc ocuy a naicoe. I iup da ρoδonο .i. cor da ρochonη co ρip ocuy co tpebaipae. Naο ρuarηaictepi .i. noco mpeaictepi na cuir do niaς noco tcap ρachae.

O'D. 313,  
314.

[Cach cunnpuo a mbia ainim a nincleic, oia ρepcup in ci o mberup, ιρ α athcup cio bec cio mop tapcup de, ocuy cutpumuρ na hainme oic la taeb aicgina. Μυνα ρepcup, ιρ cuilleo ρup co po ρeipco, ocuy ιρ α athcop ma moa ina ρeipco, ocuy ni cunntabuipc cuna amuich tugao in ainim. Ma cunntabuipc imuppo, ιρ let gaia hainme oic, ocuy ρeouic α athcop ma moa ina ρeipco let na hainme. No dono co na beθ athcop ma cunntabuipc in ainim, oia mbe tpebuip, ιρ let na hainme do ic ; ma cunntabuipc ιρ cetpuime na hainme oic, uair nocha npeounn tpebuipc ni ιc ina ainim incleic do gpep, muna ρepcup po cetoir ; oia ρepcup imoppo po cetoir ιc ρiana cia beθ tpebuipc

<sup>1</sup> *Or questioned.*—The commentary following is found in O'D. 314 and 798, and it also occurs in nearly, but not exactly, the same words in C. 659.

<sup>2</sup> *It shall be added to.*—The damages payable in respect of the defect in the subject matter of the contract shall be increased until they are equivalent to one-sixth of the consideration given by the defrauded party under the contract.

<sup>3</sup> *If it be more than one-sixth.*—That is, if the damages payable in respect of the defect be more than one-sixth.

him; if law be not ceded to him, his own 'seds' are forfeited to him, without fasting. If he fasts, it is five 'seds' and an adjustment of goods *that are due*, if right be ceded to him. If right be not ceded to him he shall have his own 'seds' and a *fine* of five 'seds' *besides*.

CUSTOM-  
ARY LAW.

Question. How many kinds of contracts are there? Answer. Two; a valid contract, and an invalid contract.

Question, i.e. I ask how many or what number of contracts are recognised? A valid contract, i.e. a contract where the consideration on each side is equal.\* Invalid contract, i.e. frauds.

\*Ir. A contract of equal value.

Question. How many are the valid contracts? Answer. Three; between two 'lan-persons,' between two 'saer-persons,' between two sane adults, whose contracts are not impugned.

Question, i.e. I ask how many or what number of kinds of valid contracts are there? A contract between two 'lan'-persons, i.e. equal value on both sides, i.e. such a contract is not unlawful even between two idiots. Between two 'saer'-persons, i.e. between two good men, noble good-faced men, whose contracts are not impugned, i.e. men whose word and deed are alike, i.e. *who perform what they promise*. Between two sane adults, i.e. the contract of two sane adults with knowledge and warranty. Not impugned, i.e. the contracts which they make must not be dissolved or questioned.<sup>1</sup>

Every contract in which there is, *in the subject matter of the contract*, a concealed defect, if the person from whom it (*the defective article*) was received is known, it (*the defective article*) shall be returned, be the defect small or great, and the amount of the defect shall be paid together with restitution; but if he is not known, it shall be added to<sup>2</sup> until it amount to one-sixth, but it (*the subject matter of the contract*) shall be returned if it<sup>3</sup> be more than one-sixth, and there is no doubt that it was outside<sup>4</sup> the defect was caused; but if there be doubt, half of every defect shall be paid for, and the thing may be returned if half *the loss in value caused by the defect* be more than one-sixth *the consideration given by the purchaser*. Or else there shall be no returning if the defect be doubtful,<sup>5</sup> if there be warranty, half the defect shall be paid for, i.e. *made good*; if there be doubt *as to where the defect arose*, one-fourth of the defect shall be paid for, for warranty can never affect any thing with a concealed defect, unless it be made known at once; but if it be made known at once, they (*the purchasers*) are safe, whether there be warranty or not.

<sup>1</sup> *Outside*.—That is, not while the subject matter of the contract was in possession of the vendor.

<sup>2</sup> *If the defect be doubtful*.—That is, if it be doubtful in whose custody the subject matter of the contract was when it was injured.

CUSTOM-  
ARY LAW

ci ní be. Ocuir ian níubairle rin. Ocuir ite ainme atberuair runn, fuile ruamanna, ocuif fuile can imcuifin, 777; ocuif ní fuil iubairle for ainim inéleite iartain co decmuir ian fir na hainme.

C 1089. Má gallra bunuig imurro inntib im .i. oobach ocuif aobach ocuif iudá fothuch, ocuif lec of cru, ocuif delgnuch do eachuib, ocuif gac galair bunuio éanaa bír i ninnuile ocuif doime; oia ticut friu friu ne níubairle, ír a nathcuir uile muna be tnebuirne, ocuif muna cunnatabairt co na galair bunuio. Oia mbe tnebuirne imurro, ír a let do ic; [mao cunnatabairt imurro ír a let do ic]; muna be tnebuir [rin;] oia mbe tnebuirne ír cetrume do ic. No dono ír a let do ic ce bet tnebuirne ci ní be, ar ír cunnatabairt mao muig tugad in galair ainn rin, no in tall ro far inntib, ocuif ír friu tuillter ainnrin; ocuif ní hatcuir bír forru. Ocuif ma bíd iat ceinir cunnatabairtad ír con tí nof beir bíd co ro moair no co ro ternaio, ocuif dono oia mbeo dechmuir a fir cin fuaitne, ní olegair a atcuir, na fuilleo iartain no perin mbeag.]

Cop focuirt baeth fir gaeth, ara rinotar a raithet; ír cop.

Cop focuirt baeth .i. cunnar do ní in taccoonach fir in coonad. Ara rinotar .i. ro ficut in ní ír raeth leir; beirair mao a iubairt. Ír cop .i. rain in a arat.

Oochair ar a rinathair gaith do gniat, ranotar an tuipairt i nbe; icthair a leth do rathair do roachair, a leath naill ír oileir.

Oochair .i. in rochoir do niat na gaith i fetatar a iubairt do bairt. .i. ír rochoir co cop. Rinathair .i. in gaeth. Ranotar .i. uranotar a uran eirir ar do. Icthair .i. icair ima arat a let ar raeth enis na tnebuirne rathachar ann. Do rathair .i. oino roachar bairthar do rigneo for na raith. A leath naill .i. in leat aile ír oileir eirir a ualgar ferrar .i. cop ra rochoinn co fir ocuif co tnebuirne rin .i. friu fir ocuif friu tnebuirne fein.

Cop ra rochoinn co fir ocuif co tnebuirne, ro foich a tuipairt

<sup>1</sup> For the names of diseases incident to horses and different kinds of cattle, *Vid.* C. 297, 1,038.

<sup>2</sup> *Outside.*—That is, before the subject matter of the contract came into the vendor's possession.



This is after the proper period. And these are the defects mentioned here: i.e. CUSTOM-  
red eyes, and eyes without sight, etc., and there is no proper period for a concealed ARY LAW.  
defect afterwards till ten days after knowledge had of the defect.

If there be fundamental diseases, namely 'odhbach,' and 'adhbhach,'<sup>1</sup> and 'iudha-fothush,' and 'lec-os-cru,' and 'deilgniuch' in horses, and every other original disease that is incident to cattle and to persons; and if they be objected to within the proper period, they shall be all returned, unless there be warranty, and unless there be doubt that it is an original disease. But if there be warranty, the half shall be paid; and if there be doubt, the half shall be paid, that is, if there be not warranty; if there be warranty the fourth shall be paid. Or else the half shall be paid, whether there be warranty or not, for it is doubtful in that case whether the disease was given outside,<sup>2</sup> or whether it had grown in them within,<sup>3</sup> in which case addition shall be made to them, i.e. *the purchaser retaining the defective article shall receive compensation*, and there is not a return of them (*the articles sold*). If they being of doubtful defect or disease remain with the person who took them until they perish or recover, and if he has had knowledge of such disease for ten days without going to law, their return is not required by law, nor can addition to the compensation for the loss be had afterwards, be it ever so small.

A contract which a fool makes with a sane man in which fraud is discovered; it is a contract.

A contract which a fool makes, i.e. a contract which the idiot makes with a man of sound mind. In which fraud *is known*, i.e. the thing which is injurious to him is known; the fraud shall be taken from him, i.e. *he must make good the fraud to the non-compos*. It is a contract, i.e. it is binding.

*In a bad contract which is known to be bad made by sensible men, the fraud is divided in two; the half is paid by the 'roach'-sureties (the party who has given the warranty), the other half is forfeited.*

A bad contract, i.e. the bad contract which sensible people make, in which they knew that fraud existed, i.e. though a contract it is a bad contract. Which is known, i.e. *by the sensible*. Is divided, i.e. the fraudulent amount, or excess that is given (*on the one side*) is divided in two. Is paid, i.e. the half of it is paid for the sake of the honour of the surety which was estimated in it. By the 'roach'-sureties, i.e. the estimation in words made upon the sureties. The other half, i.e. the other half is forfeited on account of knowledge. And this is the contract of two sane adults with knowledge and warranty, i.e. for knowledge and for warranty itself.

*In a contract of two sane adults with knowledge and warranty, all the amount obtained by fraud is recoverable, or the contract may*

\* *Within*.—That is, while in the vendor's possession.

CUSTOM-ARY LAW. — սիւն, ուր ա ստորադ քիւ շէտիւ հսարս քիշէ; իր տիւր ստ սիւն օրն անսո լտիւ տարարտ օսիւ ստորադ.

Տօր տա րօսոնո շո քիւ շո տրեարս, ու րօիւ ա տարարտ սիւն օ տեւարտ լար քիւ. Մաո ստորադ տաշտիւցիւ օ տեւարտ տօ երի տա տրաւ ա ստորադ, օսիւ րաւիւ ա տրաւ.

Տօր տա րօսոն օ տրեարս շո քիւ, ու րօիւ լատի ա տարարտ օ տեւարտ լար քիւ; օսիւ իր տրեարս աշտարտ ին րօն.

Տօր տա րօսոն օ քիւ շո տրեարս, ու րօիւ տա տրաւ օ տեւարտ լար քիւ, օսիւ րաւիւ տրաւ ա տարարտ քիւ քիւ, օսիւ իր քիւ սիւն եւ րօն.

Մաո ստորադ տաշտիւցիւ րաւիւ տրաւ ա ստորադ; ու տօ իր տրաւ ա տարարտ րաւիւ քիւ տրեարս րօն, օսիւ րօիւ քիւ քիւ.

Տօշօրաւ օաւ րաւ; րաւ օաւ րաշիւ; րաւ արա րաւաւաւ րաշիւ; Տօ օաւ տարարտ ին արաշտիւ րաշիւ.

Տօշօրաւ .i. տօր տա րօսոն օ քիւ օսիւ տրեարս. .i. իր տօշօրաւ տօ տօշ ստորադ տօ տօնաւ քիւ ին րօշարաւ. Տօր .i. իր րաւ ին ա տօր օ տօշ ին րօշարաւ ստ ա տարարտ րօրա. Տօն .i. իրա ին րօշարաւ ին րօ րօշարաւ ին րօշարաւ տօ երի սաւ ա տարարտ րօրա. Տօ օաւ տարարտ .i. իր Տօ ին ա արա ին տրաւ տօրա երաւ օ ին րօշարաւ շո արաշտիւ, .i. իր րօշարաւ օաւ ին րօ արա տարարտ.

Տօշիւ օաւ տրեար քիւ ին րօշարաւ 1 տօնարաւ ա աւար շո րօշարաւ, շո արաւ. Ատօն ին րօշիւ, ին րօշարաւ ին րօշարաւ.

*be rescinded* within twenty-four hours ; *but* all is forfeited by him *(the aggrieved party)* from that forth, both the *amount obtained by fraud* and *the right to rescind* the contract.

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*In* the contract of two sane adults without knowledge, without warranty, the whole of the *amount obtained by fraud* is recoverable for ten days after knowledge *had*. If it be a contract which may be dissolved till the *expiration of ten days* he *(the aggrieved party)* can recover two-thirds of his contract *(the thing sold by him)*, leaving one-third.

*In* a contract of two sane adults with warranty without knowledge, half the amount obtained by fraud is recoverable till ten days after knowledge *had* ; and it was the warranty of an *extern* in this case.

*In* the contract of two sane adults with knowledge without warranty, two-thirds may be recovered till ten days after knowledge *had*, and he *(the purchaser or party defrauded)* leaves *(fails to recover)* one-third of the *amount obtained by fraud* for knowledge, and it is for verbal contracts themselves.

If it be a contract which may be dissolved, he *(the vendor)* leaves the third of the *subject matter of the contract* ; or else, *although the contract be dissolved*, he leaves *in the possession of the purchaser* one-third of the *amount obtained by fraud* for the warranty itself, and one-sixth for knowledge.

Every 'saer'-person may make a contract, every 'saithiu'-person is a 'saer'-person ; what the sensible man has known is safe ; false is every fraud which the foolish do not perceive.

May make a contract, i.e. the contract of two sane persons with knowledge and warranty, i.e. it is lawful for one to make a contract with the freemen. 'Saer'-person, i.e. free as to forfeiture to the person is the thing of which he is defrauded without his knowledge. Safe, i.e. safe as to forfeiture is the thing which the sane persons have known to be taken from them by concealing the truth. False is every fraud, i.e. I deem it false to retain the overplus which is taken from the foolish without their perceiving it, i.e. every one is foolish who does not perceive that he has been defrauded.

Every one is foolish who deals with the son of a living father in the absence of his father without his authority, without his subsequent adoption. *It is a maxim of the law that one adopts what he does*

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Ḫaeth .i. iŕ baeth don cat necur ní ŕe mac in athar bi a necmar a athar, .i. ŕŕu mac ŕor, no ŕŕu mac ingor. Cen ŕorngaire .i. cen a ŕorngaire ŕo cetoir .i. ŕua na ŕenam. Cen aicicir .i. iar na ŕenam, .i. can bit ina aicicir iarcain, .i. ar iŕ inano do neod ocuŕ ŕo bet ina aicicir muna ŕerna ŕeigum in a ŕuairne. No ŕeige .i. oca ŕenam. Naŕ inarban .i. iar na ŕenam .i. manu ŕerna a hincarbaro iarcain. Iar ŕiŕ ŕocumac .i. ŕo cumang iar mbet a ŕeŕa aca.

Foruid cach aicicir ; adruider ŕoluid ŕuŕarad cach ŕonaidm ŕuŕair iar nairilluid, ar ŕaid aicicir.

ŕoruid .i. ŕoruid aicicir na cenn, .i. iŕ maŕ iŕ aŕcagte in cunnarad o beichir ina aicicir can na neichi ŕein do ŕenam. Adruider .i. iŕ aŕcagte in cunnarad o biar ŕola lan loig anu. Ruŕarad .i. iŕ amail ni teit anas ŕuŕair he in aŕcud o ŕemngicir eŕa luŕa ŕola lan loig anu. Ar ŕaid aicicir, .i. na cenn, .i. iŕ aŕcagte in cunnarad o beichir ina aicicir can a ŕuairne do ŕeiged.

ŕuŕne ŕlath, ŕaermanais eclaire, ŕaenleŕais ŕine bite ŕor urŕocra, meic, mna, baith, baileŕais, ŕruith, dochuinn, ŕarachtas ŕaenan cuma coir; ni aŕcathen ŕaithiud na docuŕ na rochuŕ ŕoraid, cen a ŕiŕ coŕnachu oc ŕorngaire a coir.

ŕuŕne ŕlath .i. cu ŕaer ŕuŕne, ci ŕaer ŕuŕne .i. na ŕuŕair bit ac an ŕlaŕ, na ŕuŕair ŕruŕ ocuŕ ŕola ocuŕ ŕabla ocuŕ ŕill ŕe biar. ŕaermanais .i. na manais ŕaer bit ec in eclair, na manais nuna ocuŕ ŕola ocuŕ ŕabla. Meic .i. ingora. Mna .i. ŕuŕeŕacha. Baith

<sup>1</sup> *The fact.*—That the contract had been entered into by an unauthorized person on his behalf.

<sup>2</sup> *The heads.*—That is, the chiefs, guardians, &c.

<sup>3</sup> *These things.*—The things agreed on by the contract to be done.



not disallow, or what he does not repudiate after knowledge, having power *to do so*. CUSTOM-  
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Foolish, i.e. it is foolish for every one who sells a thing to the son of a living father in the absence of his father, i.e. to a 'mac-gor'-son, or a 'mac-ingor'-son. Without authority, i.e. without its being ordered at first, i.e. before doing it. Without *subsequent* adoption, i.e. after doing it, i.e. without being in recognition of it afterwards, i.e. for it is the same thing to one as to be in acknowledgment of it unless he gives notice of opposing it. Does not disallow, i.e. at the doing of it. What he does not repudiate, i.e. after making it, i.e. unless he rejects it afterwards. After knowledge, having power, i.e. having the power to break the bargain after having obtained the knowledge (*of the fact*).<sup>1</sup>

Every *subsequent* adoption renders *the contract* binding; the *proper* qualifications of the person who adopts the contract render permanently binding every contract entered into according to law, for adoption renders it binding.

Renderers binding, i.e. adoption renders it binding on the heads,<sup>2</sup> i.e. the contract is well confirmed when the parties have adopted it although they do not these things.<sup>3</sup> Qualifications render binding, i.e. the contract is binding when there is valuable consideration. Permanently, i.e. it is, as it were, like a thing that has passed into prescription with respect to its confirmation when full value has been given and received. For adoption renders binding, i.e. on the heads (*chiefs, guardians, &c.*), i.e. the contract is confirmed when it is adopted by the parties entitled to repudiate it without being legally disturbed.

The 'fuidhir'-tenants of a chief, the 'daer'-stock tenants of a church, fugitives from a tribe, who are proclaimed, sons, women, idiots, dotards, fools, persons without sense, madmen, are similarly regarded with respect to their contracts; no deception, or bad contract or fair contract is made binding upon them, without their true guardians *being present* authorizing their contracts.

The 'fuidhir'-tenants of a chief, i.e. whether 'saer'-stock 'fuidhir'-tenants or 'daer'-stock 'fuidhir'-tenants, i.e. the minor tenants that a chief has, i.e. the 'fuidhir grui'-tenants and 'fuidhir gola'-tenants and 'gabhla'-tenants, and the hostages saved from death. 'Daer'-stock 'manach'-tenants, i.e. the 'daer'-stock tenants belonging to the church, i.e. the 'manaigh nuna'-tenants, 'manaigh gola'-tenants and 'manaigh gabhla'-tenants. Sons, i.e. the 'in-gor'-sons. Women, i.e. adulteresses. Idiots, i.e. persons of half reason or

CUSTOM-ARY LAW. — .i. fear leatcainn no leiteille. Baileoais .i. in fenoir. Druith .i. co rath. Dochuin .i. mór cen rath, no mic beca. Darachtas .i. fo tabairt dalaí pulla. Faeann cum .i. ír fonaen, inunn laim no cumas, no no cuthamaisgo iatrasa do fheir coir, ocu in laet romann in tapoet fo coraib. Ní arcaitheir .i. noco nartaiter oirio in ní ír faeth leo .i. diubairt cen trebairne. Na docu .i. diubairt do galraib bunaró no dainmib inclaiche cu trebairne. Na rochur .i. co na riástanar a ler .i. lan los. Cen a fír coonachu .i. cen a coonachu íar fír ac forcongur na cor do genat. Forngairne .i. oca venam.

Cop cach forngairne; forngairne cach nátmairí; anrcuiche cach lanpola; lan cach rlan; rlan cach tothlaigte dia riartar cach a raithiud, cia da ní iarum aithrechur iarðain ír dílir a raithiud. Mana éi nech aile fo a cupu ní meirí faderin donaitim cupu a bel.

Cop cach forngairne .i. ír cop dígtech he ima arto o biar lanpo pola comtoirmit ann. Forngairne .i. ír lor da forcongur o beirir ina airtin cen a fuaireo .i. íar na venam. Anrcuiche .i. ír dílir a fuchao im a taithmeaé o biar pola lanloigí ano. Lan cach rlan .i. írlan he ima arto o biar lanpo pola comtoirmit ann .i. ír amail no bet lan pola ann dia mbe a rlanugao o cino. Sian cach tothlaigte .i. írlan o neoch in ní tothlangar amuic, maosa rinnaia in caé rin in ní foetair uao a diubairt ferrá. Cia da ní iarum aithrechur .i. ce do ne aithrechur imme iarum iarðain noco roit hi. Ír dílir .i. ír dílir in ní foetair uao a diubairt ferrá. Ní meirí .i. no co cuimgech he buoain a taithmech.

Atatt teora haimeirí 1 mbi bailedach in bith; re cuairt diinebair; tuarao lia cocta; fuarlucad cop mbel.

Atatt .i. atatt teora re futhaine ina elothach a ba, a maith ar in bith. Re cuairt diinebair .i. baosa deiriltin ar na dainib a cae uirio in re. Tuarao lia cocta .i. ír re tuar no tar ír lia ann imao cocta. Fuarlucad cop mbel .i. uatuarlugao in neich cuirur nech uao co coir o belairb.

Atatt a tri noðicat; dechmaða, ocu pprimite, ocu almpara; arzairet re cuairt diinebair; traethao

<sup>1</sup> By the head.—That is, by the chief, guardian, &c., of the contracting party.

sense. Dotards, i.e. old men. Fools, i.e. of use (*able to do some work*). CUSTOM-  
Persons without sense, i.e. lunatics without use, or little boys. Madmen, ARY LAW.  
i.e. upon whom the magic wisp has been thrown. Are similarly regarded,  
i.e. I hold that these are similarly or alike regarded or estimated according to what  
is just, as the persons *mentioned* before with respect to impugning their contracts.  
Is made binding, i.e. what is injurious to them is not fastened upon them, i.e.  
fraud without warranty. Or bad contract, i.e. fraud in original diseases or  
concealed defects in *cattle* with warranty. Or fair contract, i.e. with its re-  
quirements, i.e. full value. Without their true guardians, i.e. without  
their real guardians authorizing the contracts which they make. Authorizing,  
i.e. at the making of them.

Every command is a contract; every recognition  
is a command; every full value is immovable;  
every 'slan'-person is *one who has full value*, every  
request is safe if every one knows his due, but should  
he repent afterwards, his right is forfeited. Unless  
another person impugns the contracts he himself (*the  
contracting party*) cannot dissolve express compacts.

Every command is a contract, i.e. it is a lawful contract in respect  
of binding, as full value is given on both sides. *Every recognition* is a  
command, i.e. being in acknowledgment of it without disturbing it, is a suffi-  
cient command, i.e. after making it. Immovable, i.e. it is difficult to move  
it so as to dissolve it, when full value has been given. Every 'slan'-person is  
*one who has full value*, i.e. it is safe as to its confirmation when full value has been  
given on both sides, i.e. it is as if full value had been given, if it be confirmed by the  
head.<sup>1</sup> Every absconding is safe, i.e. safely from one is *recovered* what he  
(*the security*) carries out, if every one knows or finds out what has been carried off  
from him without his knowledge. But should he repent afterwards, i.e.  
but though he should repent him of it afterwards he cannot get it. Is forfeited,  
i.e. what is carried off from him unknown to him is forfeited. He *himself*  
cannot *dissolve*, i.e. he himself is not capable of dissolving it.

There are three periods at which the world is  
worthless; the time of a plague; the time of a  
general war; the dissolution of express contracts.

There are *three periods*, i.e. there are three particular periods at which  
its worth, i.e. its good departs from the world. The time of a plague, i.e. a  
mortality carrying off the people in the course of that time. The time of  
a general war, i.e. the greatest prognostic or disgrace that prevails is much  
war. The dissolution of express contracts, i.e. recalling of the thing  
which one has put away from him properly by word of mouth.

There are three things which remedy them: tithes,  
and first fruits, and alms; they prevent the occurrence

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cairde la ruz ocuf tuaithe; ardaur tuarad la cocta; ardao caich ina rochur ocuf ina dochur; ardaur bailidiu in decha.

Dechmata .i. co cinnead. Primithe .i. corach gabala caé nuatorad. Alimrana .i. can cinnead. Ardauret .i. ardauret fein co na bi baad deiridit ar na dainib a cas uir in re. Trae-cha co cairde .i. trenaethad, no trenaithuagair na tuath don ruz fo rmaét éada no cairde. Ardaur .i. ardauret fein co nacha e tuar no tar in la ann imat coaid. Ardao caich .i. cuicid ferr ocuf trenaithre do cuithrad na memoir i fiaonair na cenn.

Co ardaithre tuatha i mberca? Adragar caé rrua techta; cleiruz ocuf caillecha rru heclair fo rru anmcarat, co racht ocuf ruzail, co tarngair co bhuo, zell iar mbhuo, rru corur rachtze eclaira, fo rru abbad ocuf anmcarat techta.

Co ardaithre tuatha .i. cinour ardaithre na tuatha do rru baíera zuae no aibid .i. ina noblizu. Adragar .i. ardaithre cach rrua noblizu fein. Rru heclair .i. uair in ano in aicne doib bith. Anmcarat .i. in ann rru carthanach a anim. Co racht .i. forcetad rrucaid do bit acin na nanmcarat .i. im nemcaithem feola i nainib ocuf i cetainib. Ruzail .i. im aon aibidre bit o noim do noim. Co tarngair .i. tarngair o zruaib eclaira ocuf o aileithib ocuf o cailleaib aibze, zell nuinge o caé olcena do raeglonnab ocuf o zruaib uir eclaira rru, ocuf on diallaé fo iar turbuo. Co bhuo .i. o daermanach. Zell .i. o daermanachab beor. Rru corur rachtze .i. rru corur rru, rru corur rruatad na heclair. Fo rru abbad .i. annoite. Anmcarat .i. in aibellitair, no in deorad de.

Laich ocuf laichera, ocuf aer tuaithe adragar rru flaithe; pedaitar flaithe flechta o ireal co huaral rru corur tuaithe.

<sup>1</sup> *Soul-friends*; anmcarat.—*Confessarius Synhedrus*; Colgan, *Trias Thaum.*, p. 298, compared with *Annals of the Four Masters*, A.D. 1064. *Anamchaitrea*; *Doctores*—Zeuss, *Gram. Celt.* vol. i, p. 10.



of plague; they confirm peace between the king and the people; they prevent the prevalence of war; they confirm all in their good contracts and in their bad contracts; they prevent the worthlessness of the world.

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Tithes, i.e. in a fixed amount. First fruits, i.e. the first of the taking of each new fruit. Alms, i.e. without limitation. They prevent, i.e. these prevent mortality from coming to carry off the people in its career. They confirm peace, i.e. they keep or restrain the people under the control of 'cain'-law or 'cairde'-law to the king. They prevent the *prevalence of war*, i.e. these prevent that much war should be the prevailing misfortune or disgrace. They confirm all, i.e. they afford knowledge and security for the contract of members (*persons not sui juris*) in the presence of the heads (*chiefs, guardians, &c.*)

How are people bound in customary law? All are restrained by their own (*special*) rules; clerics and nuns by the church subject to *the judgment of* soul-friends, by law and rule, by a promise till they break, and a pledge after breaking, by the right law of the church, subject to lawful abbots and soul-friends.

How are people bound, i.e. how are the people restrained according to the good, pleasant, or delightful knowledge, i.e. according to their law. Are restrained, i.e. every one is bound by his own law. By the church, i.e. for it is there it is natural for them to be. Soul-friends, i.e. they who love their souls. With law, i.e. the instruction of the Gospel which the soul-friend has, i.e. respecting the non-eating of flesh on Fridays and on Wednesdays. Rule, i.e. as to one meal from evening to evening. With promise, i.e. a promise from the several members of the church in their respective orders,<sup>a</sup> and from pilgrims and from nuns doing penance, i.e. a pledge of one ounce from all in general to their superiors, and from the several degrees of the ecclesiastical order, etc., and this, after violating their promises. Till they break, i.e. 'daer'-stock tenants of church lands. A pledge, 'daer'-stock tenants of church lands still. With the right rule, i.e. with the true rule, the proper direction of the church. According to their abbot, i.e. of the 'annoit'-church. Soul-friends,<sup>1</sup> i.e. the hermit, or pilgrim.

<sup>a</sup> Ir.  
Grades.

Heroes and heroines, and the country people are ruled by their chief; all the chieftain classes from humble to noble are governed by the 'corus tuaithe'-law.

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Laich .i. gnáth flatha. Laichcepa .i. laech uair .i. uair leo leir na laechuib feir le mnáib na ngnáth flatha. Aer tuaithe .i. na gnáth feine. Aonagair .i. aingitir iat ro oligeo na flatha. Feoaitar .i. do aingitear na flechta flatha. O irsal .i. o mol. Co huairal .i. na ngnáth .i. co hor. Fui corur tuaithe .i. fui corur feir, feir cor na tuaithe.

Cair cir lín corura do cuirín i tuaithe? Nín. Atri : corur flatha, corur fine, corur fene ; contethgatar uile.

Cair .i. comaircím cia leir no cia lín do cuirfeirib, do feirib éiríoircnaítrí no tarairtítrí irín tuaithe. Contethgatar .i. coitcen-naítrí uile in corur fine, no in corur feine.

Cair caite corur fene? Comaithecpa, lanamnapa, aithne, oin, aiphiucad, comaine, cpecce, cundurpa, congilne, othrupa, athgabail eirce bpaá.

Cair .i. comaircím cairí aithne in neich olagar do na feinib a pír éirí. Comaithecpa .i. ne da taeb ocyr ne da aipcenn. Lanamnapa .i. ingen caich oib da ceile, in neoc ar na fuil bpiatharí eplama. Aithne .i. comaitní. Oin .i. uain .i. o caé oib da ceile. Aiphiucad .i. o caé oib da ceile. Comaine .i. cunmaine o caé oib da ceile .i. an foir in gairí. p. o. Cpecce .i. for bpiatharib. Cundurpa .i. tiagait cuinó ocyr pacha. Congilne .i. caé oib do uil i cumá tpebairíe tar cento a ceile. Othrupa .i. aoiuáitir uair bno ocyr laáa o caé oib da ceile. Athgabail .i. caé oib do uil do fuarluco a athgabala mar aen ne ceile. Eirce .i. enecclann ocyr oiríe ocyr aithgín .i. do cinó na athgabala .i. achtugao uil acurru ima hic caá neich tiupá éucu; no ir cin coitcenó oib, mara duálguir ciná nínbleogan ata oiríe a cin.

Corur fine foilaib feib co na finib aicneoaib, ocyr acraoaib, co neoch aipairíet.

Corur fine .i. foailgítr in fearann do na finib a pír éirí. Co na finib .i. a mic ocyr a nua. Acraoaib .i. a mic fearma ocyr a ngoirmic. Co neoch aipairíet .i. a npeorao ocyr a mupairíet.

<sup>1</sup> Family.—The Irish word for family is put in on conjecture, the original in the MS. being very faint.

Heroes, i.e. the chieftain grade. Heroines ('laichcesa'), i.e. 'laech-naisi,' the noble wife of the hero, i.e. they, the heroes, deem it noble to unite with women of chieftain grades. Country people, i.e. of the 'feini grade. Are ruled, i.e. they are restrained under the law of the chief. Are governed, the chieftain classes are restrained. From humble, i.e. as to family.<sup>1</sup> To noble, i.e. of the grades, i.e. to the summit. By the 'corus tuaithe'-law, i.e. by the right direction, the proper rule of the country.

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Question. How many 'corus'-regulations are there in a territory? Answer. Three; 'corus flatha,' 'corus fine,' 'corus feine,' they are all comprised in it (*the 'corus tuaithe'*).

Question, i.e. I ask how numerous or how many regulations, i.e. right rules, are distinguished or established in the territory. Are comprised, i.e. are all contained in the 'corus fine' or the 'corus feine.'

Question. What is the 'corus feine'-law? Tillage in common, marriage, giving in charge, loan, lending, equal goods, purchases, contracts, mutual pledges, attending the sick, distress for 'eric'-fine.

Question, i.e. I ask how is the thing which it is right for the Feini to do, known according to true knowledge? Tillage in common, i.e. common as to the two sides and the two ends. Marriage, i.e. the daughter of each of them to the other, such a person as is not under the word (*curse*) of a patron saint. Giving in charge, i.e. mutual charge. Loan, i.e. 'uain,' i.e. from the one to the other. Lending, i.e. from each of them to the other. Equal goods, i.e. equal goods from each of them to the other, i.e. whether it be for a long or a short time, S.D. Purchases, i.e. by words. Contracts, i.e. into which sane adults and sureties enter. Mutual pledges, i.e. each of them goes mutually as security for the other. Attending the sick, i.e. noble relief of food and medical advice from the one to the other. Distress, i.e. each of them is to go along with the other to release his distress. 'Eric'-fine, i.e. honour-price, and 'dire'-fine and restitution, i.e. for the distress, i.e. there is a stipulation between them respecting the payment of every thing which will come to them; or it is a liability common to them, if they are responsible for the liabilities of their kinsmen.

The 'corus fine'-law divides the land among the natural tribemen, and the adopted sons, as well as those whom they have received among them.

The 'corus fine'-law, i.e. the land is divided among the tribe-men according to true knowledge. Tribe-men, i.e. their sons and grandsons. Adopted sons, i.e. their adopted sons, and their 'gor'-sons. Those whom they have received, i.e. their strangers and their sea-sent persons.

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Corur flatha fhu aicgillne, fhu fleoda, fhu mancaime, fhu focra, fhu gella, fhu raicta ocuf robea, condeper cipe coir.

Corur flatha .i. coir fhu, fhu coir na flatha fhu in laet leir a naca togaroe ceillirne do aicgillne .i. daeraicill. Fhu fleoda .i. uil leir uol a fleigh. Fhu mancaime .i. fear caia ramairci. Fhu focra .i. cana no cairne no flogio. Fhu gella .i. uil leir ofuar-lucro a gill no a gell .i. corab e do beia gell cap a cen. Fhu raicta .i. fhu oirgetaro cana no cairne. Robea .i. nor oligtech. Condeper .i. co tarairter iat do peir cipe iat cas coir, no amail ip choir do peir cipe.

Cair ; cuf luf fleoda do cuirín ? Hin. A cuf : fleo deoda, fleo doena, fleo demanoda.

Cair .i. comaircín cuf luf no cuf luf oirgetaro no tarairter do cuf in fepa, no do cuf na hinuipín.

Cair in fleo deoda ? Dan do dia, dan domnaig de rechmaine, urtach pollomain, diachao oirgetaig, dan do eclair, diachao gpinde, fuirpíre naiged de, doinao do truaigab, correcao tempuill, fuirpíre do diachao, doicht do doinaoib ; fo da comilper.

Dan do dia .i. ní do tinnucul do dia. Dan domnaig de .i. curpuma in neich caichep de domnaig .i. a curpuma on lanaman dia neclair. Rechmaine .i. maine be lino ; dia mbe lino ip dia míf. Urtach pollomain .i. cairc no noclair gill. Diachao oirgetaig .i. biachao inu ip aia ina pite, in taibitir. Dan do eclair .i. techmaoa ocuf pumite gill. Diachao gpinde .i. biat cpetne .i. bachtar .i. los in bairtich. Fuirpíre naiged de .i. forpíthnig-niugab bíd do na haigedab an dia .i. feacht féile. Doinao do truaigab .i. loirga ocuf lamanna ocuf cuarath do tabairt an dia

<sup>1</sup> 'Samhaisc'-heifer. —The tenant supplies a working man to the chief for every 'samhaisc'-heifer which the chief has given as stock.

<sup>2</sup> Godly banquet. —In C. 2,830, the following explanation of this passage is given:—  
"The godly feast, the human feast, the worldly feast, are all different. The godly feast, i.e. a thing that is offered for the sake of God, such as the food of Sunday and of the solemn festivals; and the food of the pilgrim and the food of the baptism, and the food of the wake, and such others; and the one night's entertainment.



The 'corus-flatha'-law, *i.e. of a chief* in relation to tenants, for banquets, for manual labour, for proclamation, for pledges, for regulations and good morals, that they may attain to perfect justice.

CUSTOM-  
ARY LAW.

The 'corus flatha'-law, *i.e. 'coir-seis,' the right ('coir') rule ('reir')* of the chief as against those people who have chosen to hold as tenants under him, *i.e. 'daer-stock' tenancy.* For banquets, *i.e. to go with him (the tenant) to drink at the banquet at his house.* For manual labour, *i.e. for furnishing a man for every 'sambaise'-heifer.<sup>1</sup>* For proclamation, *i.e. of 'cain'-law, or 'cairde'-law, or hosting.* For pledges, *i.e. to go with him to redeem his pledge or his hostage, i.e. that it be he that will give a pledge for him.* For regulations, *i.e. for the rules of 'cain'-law or 'cairde'-law.* Good morals, *i.e. lawful custom.* That they may attain to *perfect justice*, *i.e. that they may be restrained according to justice in a proper manner, or as is proper according to justice.*

Question: How many banquets are there? Answer,—Three; a godly banquet, a human banquet, a demon banquet.

Question, *i.e. I ask how many or what number of banquets are distinguished or enumerated in the 'cain'-law of knowledge, or the 'cain'-law of narration?*

What is the godly banquet?<sup>2</sup> A gift to God, the Sunday gift every week, the celebration of the solemn festival, feeding a pilgrim, a gift to a church, baptismal refection,<sup>3</sup> feeding the guests of God, sheltering the miserable, consecrating a church, feeding paupers, harbouring the poor; it is well if they observe these.

A gift to God, *i.e. to offer a thing to God.* The Sunday gift, *i.e. as much as he spends on Sunday, i.e. the Sunday meal to be given by the married pair to their church.* Every week, *i.e. if there be not ale; if there be ale, it is every month.* The celebration of the solemn festival, *i.e. Easter or Christmas, etc.* Feeding a pilgrim, *i.e. to feed the person who is as it were in his grave, the pilgrim.* A gift to a church, *i.e. tithes and first fruits, etc.* Baptismal refection, *i.e. religious food, i.e. of baptism, i.e. the price of the baptism.* Feeding the guests of God, *i.e. to give relief in food to guests for God's sake, i.e. a night's entertainment.* Sheltering the miserable, *i.e. to give them staves and gloves and shoes for God's sake, i.e. full feeding to whatever*

The human banquet means the food of tenancy. The worldly banquet is, 'boil fat for me, and I will equally boil fat for thee.'

<sup>2</sup> Baptismal refection.—Over the  $\xi$  of the word "εμπρο" in the MS. a later hand has written "c," intimating probably that the word may also be spelled "εμπροc."

CUSTOM-ARY LAW. — **DOIB** .i. **ciro** be **truas** **níc** a **leir** .i. a **lan** **biathad** **doib**. **Páipir** .i. **qui** **perá** **parcitur** .i. **parcitur** o **teig** .i. a **foloirtenuisat** **doib** **inn** **callad** **for** **nech**. **Doicht** .i. a **teannraich** **do** **na** **bochtuib** .i. **oc** **na** **bi** **uas** **uir**. **Fo** **da** **comilret** .i. **ir** **maith** **in** **taconul** **rin**, **ocur** **denat**, **no** **bit** a **veg** **com** **imulans** a **mbochta** **ar** **da**.

**Ólegar** **do** **flaithuib** **do** **nimairget** **cad** **uib** **for** a **deir**.

**Ólegar** .i. **ólegar** **do** **na** **flaithuib** **timorzan** **cach** **uib** **for** a **reapann** **oileir** **buoin** .i. **do** **na** **flaithuib** **ólegar** a **tobach** o **na** **tuathuib** **don** **eclair**. **Do** **flaithuib** .i. **cad** **ann** **uib** **reo** **anuar** **for** a **reapann**.

**Caité** **in** **flé** **doena**? **Flé** **cuirmtige** **cach** **da** **flaith** **amail** **ber** a **ólige**, **da** **an** **cepet** a **airilluib**, **feir**, **fuirruis**, **oichit**.

**Flé** **cuirmtige** .i. **flé** **ol** **corpa**. **Da** **flaith** .i. **buoin**. **Ac** **ólige** .i. **do** **éiluib**, .i. **meit** a **raitha**. **Cepet** a **airilluib** .i. **do** **raith** **ocur** **do** **reath** **turclaire**, .i. **do** **pet** a **ruithola** **cad** **flaith**. **Feir** .i. **cuirruis**. **r** **o** .i. **in** **aró** .i. **co** **linn**. **Fuirruis** .i. **cen** **chuirruis**. **r** **o** .i. **o** **linn** **in** **aróche**. **Oichit** .i. **ciro** **cu** **linn** **ciro** **cen** **linn** .i. **illau**. **r** **o**.

**Cobrosluib** **fuirruis**; **forreapann** **reba**; **biathad** **congda** **fui** **rochruide** **tuaithe** **fui** **cuingio** **fui** **ocur** **óligio**, **ocur** **fui** **frechra** **ninóligio**. **Cummaine** **feine** **reapann** **fuirruis**.

**Cobrosluib** .i. **cobrosluib** **forreapann** **in** **vegfuirruis** **reba**; **do** **raithnugad** **do** **reabtaig** .i. **do** **uairleat**. **Biathad** **congda** .i. **ac** **denam** **cana** **ocur** **cain** .i. **bo** **cad** **orba**. **Fui** **rochruide** **tuaithe** .i. **in** **tan** **bir** **ac** **denam** **vegcairne** **don** **tuaithe**. **Fui** **cuingio** **fui** .i. **in** **raithuib** **cinn** .i. **uib** **imuch**. **Óligio** .i. **in** **raithuib** **ecinn**. **Fui** **frechra** .i. **fui** **frechra** **cad** **inóligio** **do** **cuirruis** **cine** .i. **da** **a** **cen**.

<sup>1</sup> *Bound to lery.*—Over the letters “ar” of the word “imairget,” in the MS., is written by a later hand, “no airat,” implying that the word may be also written “imairat.”

miserable persons stand in need of it. Paupers, i.e. qui pera pascitur, i.e. who are fed by the bag, i.e. what they take from each is sufficient for them. The poor, i.e. to give full sufficiency to the poor, i.e. who have not bags at all. It is well if they observe these, i.e. this is a good observance, and let them well support, or be supporting, their poor for the sake of God.

CUSTOM-  
ARY LAW.

The chiefs are bound to levy<sup>1</sup> each of these upon their land.

Are bound, i.e. the chiefs are bound to levy each of these *donations or refectations* on their own lawful lands, i.e. it is the duty of the chieftains to levy them from the laity for the church. The chiefs, i.e. to levy each of these things mentioned above upon their land.

What is the human banquet? The banquet of each one's feasting house to his chief according to his (*the chief's*) due, to which his (*the tenant's*) deserts entitle him; viz., a supper with ale, a feast without ale, a feast by day.

The banquet of the feasting house, i.e. the feast of drinking beer. To his chief, i.e. his own chief. His due, i.e. from tenants, i.e. according to the extent of his stock given. His deserts entitle him, i.e. in stock and returnable 'seds,' i.e. before each chief can get his returns. A supper with ale, i.e. a convivial meeting, S.D., i.e. in the night, i.e. with ale. A feast without ale, i.e. without a convivial meeting, S.D., i.e. in the day, i.e. without ale in the night. A feast by day, i.e. whether with ale or without ale, i.e. in the day, S.D.

The feast without ale is divided; it is distributed according to dignity; the feeding of the assembly<sup>2</sup> of the forces of a territory assembled for the purpose of demanding proof and law, and answering to illegality. Suppers with ale, feasts without ale, are the fellowship of the Feini.

Is divided, i.e. a distribution is made of this good feast without ale; it is distributed according to dignity, i.e. according to nobility. The feeding of a collection, i.e. at the making of 'cain'-law, and 'cairde'-law, i.e. a cow from every farm. The forces of a territory, i.e. when they are making goodly 'cairde'-law for the territory. To demand proof, i.e. respecting definite debts, i.e. by them outside. And law, i.e. respecting uncertain debts. To answer, i.e. to answer for every illegality with which he is charged, i.e. for him

<sup>2</sup> The assembly.—The 'congbhall,' which has been translated 'assembly,' may perhaps mean a collection of food made at the different 'congbhalls,' to furnish a meeting with food.

CUSTOM-ARY LAW. imach. Cummaine .i. cuma a manne do na feinib .i. pleó domanoa in ro ocuf ir . . . of pleó. 8. o. Féraib .i. in aroci .i. co lino. Féirireo .i. foirneugao bto do cto ilo cto in arochi .i. cen lino.

Coir mancuine ffrí ploiged, ffrí dunad, ffrí gell, ffrí dail, ffrí dígail, ffrí fuba, ffrí ruba, ffrí rognam do dia, ffrí forpacht noibre in coimded; ocuf caich dia flait, dia fine, dia abaid, a coimded do cumdach do cach mainiugad, do cach lepuagad iar nDia ocuf duine, ffrí rober, ffrí ropecht, ffrí roairle; aruf dlisdech cach torba techta, cach romaine, cach faercuir, cach rochla (ber dír do flait) ffreccuir cach domaine do ruba ffrí flait. Aldregar in o mblegar, regar arpenar cach nDlised do neimtib iar nDia ocuf duine.

Ffrí ploiged .i. dul leir ina ploiged. Ffrí dunad .i. dul leir ina dunad. Ffrí gell .i. dul tpuarlacuó a gill .i. co na ffrí icat fuilliam a gill. Ffrí dail .i. dul leir do cum dala .i. aenaid. Ffrí dígail .i. ffréir ceineoil. Ffrí fuba .i. na tfrí fuba .i. ro loingrecha ocuf éctatcu ocuf maca tfré. Ffrí ruba .i. na tfrí ruba .i. roime ffrí ranno ocuf belaoa ocuf crucha. Ffrí rognam .i. cad pechtmao la ir techtman .i. in caeca no in cethracha. Ffrí forpacht noibre .i. ffrí foirichin na hopu dliseg a comoitin a tigeina de. Dia flait .i. corab da flait fein do in in cad rin. Dia fine .i. dia apt fine. Dia abaid .i. corab da apaid fein do ne in cad rin. A coimded do cumdach .i. a tigeina do cumdach. Do cach mainiugad .i. do beoitib ocuf maiboitib. Do cach lepuagad .i. do biuo ocuf coimtechat. Iar nDia .i. na heclair. Ocuf duine .i. na tuaithe. Ffrí rober .i. éana, .i. athgabail no nor. Ffrí ropecht .i. cairde .i. cain. Ffrí roairle .i. cairde .i. upradair, no nor dlisde. Aruf dlisdech cach torba techta .i. oib rin uile .i. do biuo do flait. Cach romaine .i. do biathad ocuf do mancuine .i. do rétaib do eclair. Cach faercuir .i. cad rocinuio oib rin deachaib ocuf do rruanaib. Cach rochla .i. daguine leir do cum nairecha .i. ir degele cad ni oib rin, no ir degele don cad rin rochraite leir do cum noala no aineacta .i. do atcu ar cad in dlisde tic do rooiuba a flathamnar imme. Aldregar .i. for in cintach .i. for gill. In o mblegar .i.

<sup>1</sup> And it is a banquet.—Some words of the Irish have been here lost by the cutting away of part of the margin of the MS.

<sup>2</sup> Due to a chief.—The Irish words in parenthesis are written over the line in the MS. by a different hand.



outside. Fellowship, i.e. they are mutual goods with the Feini, i.e. this is the worldly banquet, and it is a banquet *for which another is given in return*, S.D. Suppers with ale, i.e. in the night, i.e. with ale. Feasts without ale, i.e. a relief in food to him whether in the day or in the night, i.e. without ale.

CUSTOM-  
ARY LAW.

Proper work-service for a hosting, for building a 'dun'-fort, for a pledge, for a meeting, for avenging, for service of attack, for service of defence, for serving God, for assisting in the work of the Lord; and each *should render this* to his prince, to his tribe-chief, to his abbott, to protect his lord in his property, in each service according to God and man, for good custom, for good law, for good counsel; for every lawful profit is legal, every return, every 'saescuir'-offering, every mark of respect which is due to a chief,<sup>2</sup> to remove every inconvenience which annoys his chief. What is sued is levied, what is demanded is paid of what is due to distinguished persons according to God and man.

For a hosting, i.e. to go with him on his hosting. For building a 'dun'-fort, i.e. to go with him in building it. For a pledge, i.e. to go to redeem his pledge, i.e. that it be by him the interest of his pledge be paid. For a meeting, i.e. to go with him to a meeting, i.e. a fair. For avenging, i.e. a family quarrel. For service of attack, i.e. the three services of attack, i.e. against pirates, robbers, and wolves. For service of defence, the three services of defence, i.e. before him into the mountain and the pass and the boundary. For serving God, i.e. every seventh day in the week, i.e. the fifty or the forty days. For assisting in the work, i.e. for assisting in the work which is due of him to support the church of his Lord God. To his prince, i.e. that it be for his own prince each one does this. For his tribe-chief, i.e. to the head of his family. To his abbot, i.e. that it be for his own abbot each one does this. To protect his lord, i.e. to defend his lord. In his property, i.e. of live chattels and dead chattels. In each service, i.e. of food and going with him a hosting. According to God, i.e. the church. And man, i.e. the laity. Good custom, i.e. of 'cain'-law, i.e. distress or custom. Good law, i.e. 'cairde'-law, i.e. rule. Good counsel, i.e. 'cairde'-law, i.e. 'urradhus'-law, or lawful custom. For every lawful profit is legal, i.e. of all these, i.e. of food to a chief. Every return, i.e. of food and labour, i.e. of 'seds' to a church. Every 'saescuir'-offering, i.e. every well-defined offering of these in horses and bridles. Mark of respect, i.e. a good man with him to the assembly, i.e. every thing of these is a good character, or it is good credit to each of these to have a force with him to the meeting or assembly, i.e. to expel from thence every unlawful person who comes to undermine his chieftaincy. Is levied, i.e. from the debtor, i.e. the hostage. What is sued, i.e. of the kins-

CUSTOM-  
ARY LAW

for in inbleogann. Pesar .i. inoraigtiir orro maraen .i. for aintach. Arphonar .i. eirnoitiir uachib maraen .i. uarab uile. Cach noli-  
geu do neimtib .i. caé ni oib ir bligeo do nemtib. Iar noia .i. do  
eclair. Duine .i. dia flaitch.

Fléo domonua .i. fléo do bepar do macaib dair  
ocur dnochdainaib .i. do dnuithaib, ocur caintaib, ocur  
oblaipraib, ocur bhuirpnaib, ocur fuirpceoraib, ocur  
meplechaib, ocur geintuib, ocur meirdpechaib, ocur  
dnochdainaib arceua, doneoch na tabair ar comain  
talmanua, ocur na tabair ar fochnic nemua, ir dliir  
iarum do deman in fléo rin.

Olegait flaithe fonuairlaicteir a ngella; geallait  
dechmaua, ocur pprimite, ocur almpana for a fine  
ocur for a naicgillne; cach marflaitch for a tuatha.  
Troithait aindchine di dagberaib cana ocur pechtege,  
ocur dagbergnu, ocur chairdiu.

Olegait .i. co na fuairlaicet na ceile na gella do bepar na flaithe  
tar a cenn. Gellaic .i. geall do bepar fuir na dechmauaib. Pprimite  
.i. corach gabala caé nuatonaib. For a fine .i. na ceatheora fine.  
For a naicgillne .i. raericeile ocur raericeile. Cach marflaitch  
.i. caé flaitch moir for a tuathaib corab da neir do bepar gell.  
Troithait .i. a trenaetad, no a trenaemurgnu da nanpech. Di  
dagberaib .i. do veigber gnae no aihno na riagla. Rechtege .i.  
arpharair .i. noir no ber no uire uila. Dagbergnu .i. cio i cam cio i  
cairde. Chairdiu .i. air buoin.

Cach pecht naó oge bligeo a mamu ni bo hogdiur;   
ni fordiubair nach pecht gaibteir ar choibiu; bli-  
geir do diu.

Cach pecht .i. caé picht duine na comogenn in moamuguo no in  
gneim olegar de. Ni bo hogdiur .i. noco noiggeir uire do, no ni bo

<sup>1</sup> *A demon feast.*—Over the first o in the word 'domonua' of the MS. another  
hand has written 'no e,' implying that the word might also be spelled 'demonua.'

man-surety. What is demanded, i.e. *what is demanded* is sought from both, i.e. from the debtor too. Is paid, i.e. it is paid by them both, i.e. by them all. Every thing which is due to distinguished persons, i.e. every thing of them which is due to distinguished persons. According to God, i.e. to a church. Man, i.e. to his chief.

CUSTOM-  
ARY LAW.

A demon feast,<sup>1</sup> i.e. a banquet which is given to sons of death and bad men, i.e. to lewd persons and satirists, and jesters, and buffoons, and mountebanks, and outlaws, and heathens, and harlots, and bad people in general, which is not given for earthly obligation, and is not given for heavenly reward—such a feast is forfeited to the demon.

The chiefs are entitled to the redemption of their pledges; they give pledges for *the payment of* tithes, and first fruits, and alms by their tribe and their tenants in 'aigillne'-tenure; every great chief is *entitled to them* from his people. They remove foul weather by *their* good customs of 'cain'-law and right, of good 'bescna'-law, and 'cairde'-law.

Are entitled, i.e. that the tenants should redeem the pledges which the chiefs give in their behalf. They give pledges, i.e. the pledges which are given for the tithes. First fruits, i.e. the first of the gathering of each new fruit. By their tribe, i.e. the four tribes. Their tenants in 'aigillne'-tenure, i.e. their 'saer'-stock tenants and their 'daer'-stock tenants. Every great chief, i.e. every great chief *has a claim* upon his people, that *they act* according to the pledges which he has given. They remove *foul weather*, i.e. they put down or remove their over-charges. By good customs, i.e. by the pleasant or delightful custom of the rules. And right, i.e. of the 'urradhus'-law, i.e. a custom, or manner, or 'dire'-fine for cattle. Good 'bescna'-law, i.e. whether in 'cain'-law or in 'cairde'-law. 'Cairde'-law, i.e. for itself.

Every person who does not fulfil the law of his service shall not have full 'dire'-fine; no one found at profitable work shall be defrauded; 'dire'-fine is due to him.

Every person, i.e. any description of person who does not fulfil the service or the duty required of him. Shall not have full 'dire'-fine, i.e. full 'dire'-fine shall not be ceded to him, or his 'dire'-fine shall not be perfect. No one

CUSTOM- hoḡ a tṛpe. Ní forṛuabaraṇ .i. noco uabaraṇ naḡ rúet tṛine  
ARY LAW. gabair ac tṛenam ḡuimraio tṛba. Úlḡtṛir do tṛir .i. in tṛir úlḡtṛ  
tṛabul eirniuro do.

Úrurthe cach dia flaitḡ, dia eclair, dia rṛine, do  
neoch aṛpḡar doib; cach memar dia chinṛ choir.  
Orṛaib neimio naitḡer cuarṛaib.

Dia flaitḡ .i. rṛin. Dia eclair .i. rṛin. Dia rṛine .i. rṛin. Do  
neoch aṛpḡar .i. do neaḡ airḡitḡer do úlṛir doib. Cach  
memar .i. caḡ meamar curab do rṛir a cinṛ aḡchomairḡ ber do  
rṛir éoir. Orṛaib neimio .i. orṛaitḡer in tṛurucḡarḡ rṛin do  
na neimṛib iar cae uirṛ .i. uirṛucitḡer enecclann do nemṛo rṛo  
uirṛatṛo, cṛobe cuairṛ i mbe.

Cach tḡuath co rṛḡ; cach rṛi co na tḡuath do  
cum necalṛa co na ḡuṛaib; cach ḡuṛa co na mamairḡ;  
cach mam ina comairḡib coirairḡ. Cengair tṛe rṛḡail  
do. Úa rṛet airḡilliuṛ inṛucur enṛḡe. It tṛeṛa  
eirce airḡitṛ.

Cach tḡuath .i. curab antṛ do ne imṛenam orṛa. Co na ḡuṛa-  
aib .i. ir in eclair hirṛin. Cach ḡuṛa co na mamairḡ .i. caḡ ḡuṛaḡ  
irṛin moamḡuṛo no ir in ḡneim érabairṛ úlḡar tṛe. Cach mam ina  
comairḡib .i. caḡ ḡneim érabairṛ do tṛenat curab do rṛir éomairḡe a  
cinṛ aḡchomairḡ do net he. Tṛe rṛḡail .i. enecclann ocup tṛpe ocup  
aitḡin. Úa rṛet .i. irṛe nemetṛet ina huirṛ airṛeipṛen airḡellṛo.  
Airḡilliuṛ .i. im éochur. Inṛucur .i. i mḡrṛitḡir. Enṛḡe .i. i  
ḡuimraḡaib. It tṛeṛa eirce .i. eirḡuairṛtṛer na tṛeṛa eirce rṛeo  
do ar a rṛat .i. enecclann ocup tṛpe ocup aitḡin .i. enecclann ocup  
eneḡruice ocup enechḡur.

Arachtṛ cach racht irṛa rṛunṛ conarḡachtṛ in úa  
recht. Recht airḡiḡ rṛo baí la rṛiu eirṛinṛ co tṛach-  
tain cṛeirtṛe i nairṛirṛ laḡairṛe miḡ Neil. Irṛa

<sup>1</sup> *He be*: his dignity remains even after the loss of his property.

<sup>2</sup> *Proper counsels*.—That is the specific directions of the superior.

<sup>3</sup> *Desert*.—In C. 833, the reading is, tṛpét .i. ir tṛuirḡiu inṛucur ocup



*found at profitable work* shall be defrauded, i.e. no description of person found doing work of profit shall be defrauded. 'Dire'-fine is due to him, i.e. the 'dire'-fine to which he is entitled is to be amply paid to him. CUSTOM-ARY LAW.

Let every one pay to his chief, to his church, to his tribe, that which is due to them; each member is to pay to his proper head. Distinguished persons of every grade have honor according to their dignity.

To his chief, i.e. his own. To his church, i.e. his own. To his tribe, i.e. his own. That which is due to them, i.e. which is fixed to be due to them. Each member, i.e. that every member should be according to the will of his head of counsel by right. Distinguished persons of every grade, i.e. this distinction is ordained for the distinguished persons after a proper manner, i.e. honor-price is ordained to a distinguished person according to his nobility, in which circle soever he be.<sup>1</sup>

Every people has a duty towards its king; every king together with his people has a duty towards the church and its members in their several orders;<sup>a</sup> Ir. Grads. every order should be submissive to its superiors, every act of obedience should be done in accordance with proper counsels.<sup>2</sup> There are three classes of trespasses to him. Worthiness and purity take precedence of desert. Only three 'eirie'-fines are ordained.

Every people has a duty, i.e. it is there (*before the king*) proof is proffered against them. In their several orders, i.e. in that church. Every order should be submissive, i.e. every order is to be in the submission or in the obedience of piety which is due of it. Every obedience in accordance with proper counsels, i.e. every act of piety which they do, they should do according to the advice of their head of counsel. Three trespasses, i.e. honor-price and 'dire'-fine, and restitution. Take precedence, i.e. they go before desert,<sup>3</sup> in the order of narrative. Desert, i.e. as to wealth. Worthiness, i.e. as to word. Purity, i.e. as to deeds.<sup>4</sup> Only three 'eirie'-fines, i.e. these three 'eirie'-fines are ordained for him (*the king*) instead of them, i.e. honor-price, 'dire'-fine, and restitution, viz., honor-price, 'enechruice'-fine, and blushfine.

Every law which is here was binding until the two laws were established. The law of nature was with the men of Erin until the coming of the faith in

enna mōara arualluo, i.e. worthiness and purity take precedence of desert, (*desert by wealth*).

<sup>4</sup> Deeds. The text seems defective here.

նախորդի լիճ էսոյն թաթաւս։ Իր իսր շրթոմ ծօ քթաւծ  
քթոն՝ ծօ թաթաւսս ծօ յարջոճէս ին ծօ քեշտ, քաշտ  
նաւոնց, օսր քաշտ խոթ։

Արագիւտա .i. րբ քրիստոսի զոհաբանութիւն թո լիլ. 1րդ բանն .i. րիւն շրնայիլ. Racht աւուցն .i. նա բար իրան. Co տիպիտան քրիստոս .i. լա բարան. Racht յաւուցն .i. թո յաւ աք բարան քրիստոս. Racht իւրն .i. տարարան բարան լիլ.

· Do aippet duibtach mac ua luigair in file racht  
naicnig; ir e duibtach ceta tarpat aipmuitan feid do  
patraic; ir e ceta neracht riam i temair.

Cope mac luigdech ceta ro flecth do. Dáiríde a  
ngiall la laegaire. Fuirbhuais dín laegaire fhu  
patraic, daig in dhrao matha mac umoir, do parn-  
gairt raide in dhrao do laegaire getao patraic bhu  
ocur marbu aige.

Caisro mac fíndchaim ceta ro fílecht do ina deoais  
raide; im ba ríle la laegaine.

Eruc ir e cet duine no erud ne patraic ac perpa  
pen feige, for dru doinde, ocur angeir no rlecht.

[illegible]

'*Ceandathe*'-goods.—That is what one leaves to a church by his last will and testament.

the time of Laeghaire, son of Nial. It was in his time Patrick came to *Erin*. It was after the men of <sup>CUSTOM-  
ARY LAW.</sup> *Erin* had believed Patrick that the *other* two laws were established, the law of nature, and the law of the letter.

*Was* binding, i.e. each law of these down here was binding. Which is here, i.e. in the 'Sencus.' The law of nature, i.e. of the just men. Until the coming of the faith, i.e. with Patrick. The law of nature, i.e. which the men of *Erin* had. The law of the letter, i.e. which Patrick brought with him.

Dubhthach Mac Ua Lugair, the poet, exhibited the law of nature; it was Dubhthach that first gave honorable respect to Patrick; he was the first who rose up before him at Teamhair.

Corc, son of Lughaidh, was the first who knelt to him. He was a hostage with Laeghaire. But Laeghaire gave opposition to Patrick, because of the Druid Matha MacUmoir, who had prophesied to Laeghaire that Patrick would take the living and the dead from him.

Cairidh MacFennchaim was the first who knelt to him afterwards; he was poet to Laeghaire

Erc was the first man who rose up before Patrick at Ferta-fer-feige, on the brink of the Boinn, and Angeis, who knelt.

Dubhthach exhibited, i.e. Dubhthach Mac Ua Lugair, the poet, showed the right rule of nature which Adam had. It was Dubhthach, i.e. *he was* the first man who at the first paid honorable respect to Patrick at Teamhair. Honorable respect, i.e. nobility in words. He was the first who rose up *before him*, i.e. he was the first man that ever rose up before him at Teamhair. Corc, son of Lughaidh, i.e. of Eoghanacht of Cashel. The first who knelt, i.e. he was the first man who knelt to him at Teamhair. Gave opposition, i.e. Laeghaire therefore made opposition to Patrick. Because of the Druid, i.e. it was to it, i.e. to the advice of the Druid, he paid respect. Matha MacUmoir, i.e. of the Tuatha De Dananns, or of the Fírbolgs. Who prophesied, i.e. who predicted. Would take away, i.e. the service of the living in tithes and first fruits, etc. The living and the dead, i.e. the third of the bequest and 'ceandathe'-goods of the dead.

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Σαερραιθ mugo, moaichirid docenel tria gnada ecalra, ocur tre fognam naithirge do dia; arur urploice in flaitch; ni meua cach cenel duine iar creitem, itir raercenalaid ocur daercenel; imta ramlaid in eclair ir urploice ar cinid cach duine do neoch do taet fo pecht.

Σαερραιθ .i. mac na noaer iar raeplacud a daire .i. daera dia leictar foglam. Docenel .i. gnada feine. Tria gnada ecalra .i. do dul fogno. Tre fognam naithirge .i. tre fognam do venam do dia ac airtig, .i. in naithe. Arur urploice in flaitch .i. ar ir huatuarlaici flaitch nime ne oach noime irar i cenel do neod tic fo oligeo creime. Saercenalaid .i. gnad flatha. Daercenel .i. gnad feine. Imta .i. ir inann leam .i. ar amlaio fein ata in eclair, ir uatuarlaici hi ar cinid cat duine do neod tic fo ohiatara.

Ro parde dubthach mac ua lugair in fili bpeithem fer nepend a racht aicnid ocur a racht fairde, a po pallnartar fairdine a racht aicnid in bpeithemnur indre hepend, ocur ina filedaib do toircechnatar, diou fairde leo, do nicra beula ban biaid .i. racht litre.

Ro fairde .i. po fairdertar dubad mac ua lugair in file a mbpeithemnaarra dpearaib eireant do neir ohiatara. Racht aicnid .i. na mbpeitheman, morant, ocur fithal, 7rl. Racht fairde .i. na fileo .i. ohiatara na fairtine po bi ac na fairid anallat, no a fairtine fein. Fairdine .i. a po pollamnaigertar fairtine na fairde in ohiatara in aicnid do bpeithemnaib na hinori feo eireant, ocur do na filedaib. Racht aicnid .i. i ninbair peachta aicnid. Do toircechnatar .i. po tarraighartar oin na fairde in fir beula biar in leigend. Racht litre .i. ohiatara in oirceola irdeic.

Ata mara a pecht aicnid po riachtat ar nad rocht racht litre. Do airpen oin dubthach do patraic; ni nad uocaid fri bpeithir nde a racht litre, ocur fri curidre na creiren conairigeo a norid mbpeitheman la

<sup>1</sup> *Judgments.*—Over the last two letters of the word 'bpeithem,' translated judgments, there are written in the MS. 'no bpa' with a mark of contraction over the p.



The enslaved shall be freed, *and* plebeians shall be exalted by *receiving* church grades, and by performing penitential service to God; for the Lord is accessible; he will not refuse any kind of person after belief, either among the noble or the plebeian tribes; so likewise is the church open for every person who goes under *her* rule.

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*The enslaved shall be freed, i.e. the sons of bond men after their being released from bondage, i.e. bond men who are admitted to learning. Plebeians, i.e. the Feini grades. By church grades, i.e. by having ecclesiastical grades conferred upon them. By penitential service, i.e. by doing service to God in penitence, i.e. in pilgrimage. For the Lord is accessible, i.e. for the Lord of heaven is accessible to every person who is free in race as coming under the law of faith. Noble tribes, i.e. the chieftain grades. Plebeian tribes, i.e. the Feini grades. So likewise, i.e. I deem it similar, i.e. thus also is the church, it is open to every person who comes under her rule.*

Dubhthach Mac Ua Lugair, the poet, spoke the judgments<sup>1</sup> of the men of Erin according to the law of nature and to the law of the prophets, for prophecy had governed according to the law of nature, the judicature of the island of Erin, and the poets, who had the gift of prophets, foretold that the bright language of benediction would come, i.e. the law of the letter.

Spoke, i.e. Dubhthach Mac Ua Lughair, the poet, spoke the judgments to the men of Erin according to the directness of *nature*. The law of nature, i.e. of the Brehons, Morann, and Fithal, etc. The law of the prophets, i.e. of the *Irish* poets, i.e. the rules of the prophecy which the prophets had of old, or of their own prophecy. Prophecy, i.e. for the prophecy of the prophets governed the rules of nature for the Brehons of this island of Erin, and for the poets. The law of nature, i.e. at the time of the law of nature. Foretold, i.e. the prophets had then predicted the true language that was to be in the lection. The law of the letter, i.e. this is the rule of the Gospel.

There are many things that come into the law of nature which do not come into the written law. Dubhthach showed these to Patrick; what did not disagree with the word of God in the written law, and with the consciences of the believers, was re-

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heclair ocur filída. Ro bo coir nacht aicnib uile acht ciretem ocur a coir, ocur comuaim necalra fri tuaithe, ocur oligeo cehtar da lina ua raire ocur ina raire; ar ata oligeo tuaithe i neclair ocur oligeo necalra i tuaithe.

Áta mara .i. ata moir do reir riatair in aicnib, ocur ro ríat do reir riatair in aicnib. Ar nao rocht nacht lirtre .i. ocur noco ríat do reir riatair na lirtre, uair lia cearta canoine na canoin, ocur lia aicne ina uairar. Do airren .i. do airben tubat breite-mnar aicnib a ríadnair patrarc, in ni na tainic anairib breithe de do riatair in aicnib ro bui a riatair lirtre, uair nocoir cuiret áit forbann reachta ar. Fri cuibire .i. do reir cubair na cuirtaite. Na creire .i. na clerech. Al nort mbreteman .i. nuiríadnair. Ro bo coir .i. ro bo éoir riatair in aicnib uile. Acht cretem .i. do dia .i. ro creireir in nachair ocur in ríar, ocur noco creireir in mac. Al coir .i. a comallat .i. in creireir. Comuaim .i. comuaim na ealra fri in tuait .i. uair noco ríab rígnam reime rin don eclair. Oligeo cehtar dalina .i. oligeo cehtar de in da naitmat rin o ceile in in .i. u. a ro ríaríar do dia i talman .i. cach tuait co ríab cá ríab co na tuait do cum necalra fri .i. bathair ocur comna o eclair, reachta ocur ríamite o tuait. Ina raire .i. ina ceile .i. irre ro in araire .i. procept, ocur oirpeno, ocur imano nanma in eclair tall, ocur ríam ríabair ocur cenraithe i tuait imorpo o imuich. Ar ata oligeo tuaithe i neclair .i. uair ita in ni oliger in eclair do tabairt don tuait, in tatonacul do denam inre, ocur bathair ocur comna. Oligeo necalra i tuait .i. in ni oliger in eclair dagbail on tuait, reachta ocur ríamite ocur ríam ríabair.

Oligeo tuaithe i neclair imbi ina coir cuinoligir; cuingit uprecht o eclair .i. bathair ocur comna, ocur umaino anma, ocur oirpeno o cach eclair do cach iar na creime coir, co nairneir breithe de do cach in da tuait, ocur nota comallathair; cach nort iar na cirt, co nimichit a nubairt, a nreachta, a ríamite, ocur a ríamgeine, ocur a nreachta, a nimna, co ríabair

<sup>1</sup> Every order.—C. 833, adds, .i. ort necalra, i.e. order of the church.

tained in the Brehon code by the church and the poets. All the law of nature was just, except the faith and its obligations, and the harmony of the church and the people, and the right of either party from the other and in the other ; for the people have a right in the church, and the church in the people.

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There are many things, i.e. there is much according to the rule of *the law of nature*, and which comes in also according to *the law of nature*. Which do not come into the written law, i.e. *other things* which do not come in according to the rule of the letter, for the questions of the canon are more numerous than the canon itself, and nature is more than authority. Showed, i.e. Dubhthach exhibited the judicature of nature before Patrick; what did not come against (*was not opposed to*) the word of God in the rule of nature was in the rule of the letter, for the over-severity of law only was rejected from it. With the consciences, i.e. according to the conscience of the Christians. The believers, i.e. of the clergy. The Brehon code, i.e. of the New Testament. Was just, i.e. all the rule of nature was correct. Except the faith, i.e. *the belief* in God, i.e. they believed in the Father and in the Spirit, but they did not believe in the Son. Obligations, i.e. the requirements, i.e. of that faith. Harmony, i.e. the agreement of the church with the people, i.e. because there was no service previously rendered to the church. And the right of either party, i.e. either of the two parties is entitled to receive from the other the seven things which were promised to God on earth, i.e. every people with its king every king with his people to the church, etc., i.e. baptism and communion *are due* from the church, and tithes and first fruits from the people. In each other, i.e. in one another, i.e. this is what 'the each other' means, i.e. preaching, and offering, and hymn of soul in the church within, and one-third of legacy and 'cendaithe'-goods in the people is due to it outside. For the people have a right in the church, i.e. for there is a thing which the church is bound to give to the people, i.e. the burial to be made in it, and baptism and communion. And the church has a right in the people, i.e. what the church is entitled to receive from the people is, tithes and first-fruits, and one-third of every legacy.

The right of the people as against<sup>a</sup> the church in <sup>a</sup> *Ir. in.* which they are in proper law ; they (*the people*) demand *their* right from the church, i.e. baptism, and communion, and requiem of soul, and offering *are due* from every church to every person after his proper belief, with the recital of the word of God to all who listen to it and keep it ; every order<sup>1</sup> *is to abide* in its proper position, *that* their gifts, their tithes, their first fruits, their firstlings, their bequests, and their grants

Don eclair iar necla uir, co fortach cach atail  
ma ponoir anetail na cocha cept.

Ólígseo .i. i rre seo in ní ólégat in tuat don neclair. Imbí ina  
coir .i. o beir ina caenólígseo do rreir éoir. Cuinngiú uirtecht .i.  
cuinngiú in tuarálólígseo ar a neclair. Do cach iar na cneitme  
coir .i. do cá ae uib iar na cneitme do rreir éoir. Co nairneoir  
bneitne se .i. co nuair inoirin bneitne sé (.i. ppocept) don cá  
bir a nuairneoir. Inna tuairne .i. in bneitne. Nó a comail-  
tair .i. comailte iairtair h. Cach noir iar na cneit .i. cach ina  
ólígseo .i. i r in aboairne. Co nimoichio .i. cona empairneoir ar domon  
in láet eae a nuairneoir doib, .i. co nimoitne a nuairneoir acaib tne na  
nairneoir. Ó ntechtair .i. co cinne. Ó ppoitne .i. tpoach  
gabala cá nuairneoir. Ó ppoitne .i. cá cé láet ocu cá cé uair.  
Ó nuairneoir .i. ppoitne. Ó nimo .i. a nairneoir. Co nuairneoir  
don eclair .i. co nuairneoir don eclair iar noirneoir a glairne. Iar  
necla uir .i. ppoitne nuairneoir. Co fortach cach atail .i. co  
poitne cá glairne, cana na poitne in tnglan he. Na cocha cept .i.  
né na cuilneoirne .i. na cuilneoirne ólígseo .i. na cuilneoirne, no  
na cuilneoirne cept.

Cach nemo a rair ; cach chin a cuinngiú for  
a memra ; mairneoir eclair endce, airneoir cach meir  
do fortach, cach mairneoir dia coir airneoir, co fortach  
coirneoir cach dia cuilneoirne cept.

Cach nemo .i. don eclair for a mairneoir .i. i rre i rre in nemo  
in rair ólígseo do tabairneoir. Cach chin .i. i rre i rre in cenn  
caenngiú a memra don clairne for atail. Mairneoir .i. i rre mairneoir  
mairneoir don eclair oir do bit inoir. Airneoir .i. don eclair. Co  
fortach coirneoir .i. co na fortach coirneoir inoirneoir, no i rre do eclair .i.  
coir na fortach a ea do rreir éoir, no co tabairneoir cá a fortach coirneoir don  
eclair beir i nólígseo a cuilneoirne.

<sup>1</sup> *Pure person.* — C. 833, has "If an impure, immoral, unjust person assail a pure holy person, the country should respond to him and check him."



may be legal, and may be *given* to the church according to the purity of the order, with relief of each pure person if an impure person who does not observe justice has assailed him.

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The right, i.e. this is what the people are entitled to from the church. In which they are in proper law, i.e. when they are in proper law according to justice. They demand *their* right, i.e. they seek this noble right from their church. To every person after his proper belief, i.e. to every one of them (*the laity*) after his belief in a proper manner. With the recital of the word of God, i.e. with the noble recitation of the word of God, i.e. preaching to every one who is a listener to it. Who listen to it, i.e. the word. Who keep it, i.e. who keep it afterwards. Every order *is to abide* in its proper state, i.e. each in his own right i.e. in the abbacy. May be legal, i.e. that the people who gave them offerings may not oppose them out of contempt, i.e. that their gifts may be secured to them by their prayers. Their tithes, i.e. with definiteness. First fruits, i.e. the first of the gathering of each new fruit. Their firstlings, i.e. every first calf, and every first lamb. Their bequests, i.e. at the point of death. Their grants, i.e. for the health of the soul. That they may be *given* to the church, i.e. that these may be *allowed* to the church according to the order of its purity. According to the purity of the order, i.e. which is according to the order of purity. With relief of each pure person, i.e. with relief of each pure person,<sup>1</sup> so that the impure may not injure him. Who does not observe justice, i.e. one who does not conclude justly, i.e. who does not submit to law, i.e. who does not meditate fairly, or who does not adjust fairly.

Every dignitary *is to have* his demand; every head to direct its members; purity benefits the church, *as regards* the receiving every son for instruction, every monk to his proper penance, with the proper payments of all to their proper church.

Every dignitary *is to have his demand*, i.e. *as* to the church upon her monks, i.e. the dignitary is to have the tribute which is due to him. Every head, i.e. it behoves the head to direct the members from the error in which they are. Benefits, i.e. it secures great obedience to the church to have purity in her. Receiving, i.e. by the church. With the proper payments, i.e. having his proper wealth with him on his going in, or to a church, i.e. with the dues which are according to justice, or that all should give its proper dues to the church in whose Christian law they are *placed*.

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Cach fine, cach manche, cach an-doit, iar n-ur-dligeo;  
dligeo cach deora-dar, comloigche cach etal iar na-  
netal; cach imto-ga la comtoil comairle; cach riagail  
iar comairle, co netla co cor-maillur; cach coimre a  
cuin-drech, cach coim-deo a cumtur, cach mo-ga a mam.  
Cach manche iar reir, cach ri-ar iar cubur, cach  
cubur co-nae oige; cach air-tiu iar coir, cach miao  
ina mamu, cach memur ina mamaib coirib co ngairne,  
cach gairne ina cirt.

Cach fine .i. g-rin. Cach manche .i. fine manach. Cach an-doit  
.i. fine eplama. Iar n-ur-dligeo .i. iar mbeir doib ina n-ur-dligeo.  
Dligeo cach deora-dar .i. amail do roichet air-chinn-deo iar n-ur-  
chur .i. deora-da in a lucc choir .i. irin o-ctmaro lucc. Comloigche  
cach etal .i. comairle-tar in t-otol ri-in aneul irin eclair. Cach  
imto-ga .i. cae aen to-gat corab a comairle lochta na eclair to-gthair  
he. Cach riagail .i. cae riagail ri-uithen-da in aen air-beir bit o nom  
do noin corab iar na comairle re cenn ath-comairne ber accu hi. Co  
netla .i. a toil de bit .i. na g-raro nealra. Co cor-maillur .i. in bio  
ocur in etais do berar a coitcenn eclair .i. fo-dair do na g-raroib cut-  
ruma. Cach coimre .i. ir la cae naen dia tabair comur uir, no  
comtoir-g-o in uir fin .i. ir lair in re-nar cuin-drech na memur da  
reir. Cach coim-deo .i. ir lair in coim-deo .i. lair in cenn, lair in  
apao a comur air-ir bi-a re-nar-ot re laim. Cach mo-ga a mam  
.i. ir eo ir lair in mo-garo in moamugao no in g-reim daire de-gar de do  
denam. Cach manche .i. do reir in apao. Cach ri-ar .i. corab  
ri-ar coir hi, ocur narab imar-naro. Co-nae oige .i. cona comet a  
nglaine. Cach air-tiu .i. cach air-din-deo iar n-ur-chur do reir  
doir. Cach miao ina mamu .i. cae g-rad, .i. in cae air-tuig-teir ir in  
air-cinnecht corub do reir, doir do ber-tar in-ot he irin lucc a roich  
do; no in ti ir doir in-ot corab e dech in-ot. Co ngairne .i. don-oino.  
Cach gairne ina cirt .i. corub do reir-oino ath-comairne do neithen  
hi .i. na tar-tar air-an fair.

<sup>1</sup> *Every receiving.* 'Air-cinnecht' is written in the MS. by another hand over the word in the text, as a correction probably.

<sup>2</sup> *Dignified person.*—C. 833 has: "He who is in power is bound to direct and check the person who is under his law and jurisdiction."

<sup>3</sup> *'Erenach'-state.*—The word in the gloss of the MS. is 'air-echt,' but over it at the letter r another hand has put 'cin,' thus making the word as given in the Irish.

*Let every tribe, every monastic tribe, every 'andoit' church tribe, be in their proper right; let the stranger tribe have its right, let every pure person be estimated by comparison with the impure; let every selection be by the consent of the council; every rule according to the council, with purity, with similarity; let every dignified person have direction, every lord mutual good, let every slave be in obedience. Let every monastic tribe be in rule; every demand according to conscience, every conscience a receptacle of purity; let every receiving<sup>1</sup> be according to justice, every dignified person in his jurisdiction, every member in his proper obedience with maintenance, every maintenance in its right.*

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ARY LAW.

Every tribe, i.e. the original owners of the land. Every monastic tribe, i.e. tribe of monks. Every 'andoit'-church tribe, i.e. the tribe of the patron saint. In their proper right, i.e. after their being in their noble right. The stranger tribe its right, i.e. as they attain to the 'Erenach'-state by hereditary right, i.e. let the strange-settlers succeed in their proper place, i.e. in the eighth place. Let every pure person be estimated, i.e. let the pure be admonished by the evil fate of the impure in the church. Every selection, i.e. let every one whom they select be selected by the council of the people of the church. Every rule, i.e. every religious rule respecting one meal from evening to evening they should have after they have consulted with their head of counsel. With purity, i.e. they be according to the will of God, i.e. of the grades of the church. With similarity, i.e. of the food and of the clothing which is given according to church usage, i.e. they are divided equally to the grades. Every dignified person,<sup>2</sup> i.e. this belongs to every one to whom power of order, or direction of the order is given, i.e. it is the duty of the vice-abbot to direct the members according to their rule. Every lord, i.e. it belongs to the lord, i.e. it belongs to the head, i.e. to the abbot to have power over the person who is in the vice-abbacy by his hand. Let every slave be in obedience, i.e. it behoves the slave to yield the obedience or submission to the bondage which is due of him. Every monastic-tribe, i.e. be according to the abbot. Every demand, i.e. that it be a proper demand, and not exorbitant. A receptacle of purity, i.e. that it be kept in purity. Every receiving, i.e. let every 'Erenachy' be according to hereditary right after a proper manner. Every dignified person in his jurisdiction, i.e. every grade, i.e. every one who is received into the 'Erenach'-state<sup>3</sup> should be received into it according to justice in the place which falls to him; or let the person who is entitled to be in it be placed in it. With maintenance, i.e. to the head. Every maintenance in its right, i.e. that it be done according to the head of counsel, i.e. that there be no defect upon it.

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ARY LAW.

Coir eclairi o tuath, dechmaða, ocur pprimite, ocur pprimgene; ðligeð eclair dia memraib.

Coir eclairi .i. ippe seo ni ðligeð in eclair don tuath do neir choir. Dechmaða .i. co cinnoir. Pprimite .i. torach gabala caé nuatorair. Pprimgene .i. cuirrech geine. ðligeð eclair .i. ðligeð in eclair fain dia momorichnechaib.

Caithe techta pprimgene? Cach pprimgeinit, .i. cach cet cuirðiu cacha lanaman daenða, ocur cach ferimac aroflaice bpoind a mathair iar cetmuintir coir, cona coirðenaib neir a nanmcarat, dech mo leiraitter eclair ocur anmanða; ocur caé ferimil dno olcena aroflaice bpoind a mathair do cethraib bicaib [no mlíchtaib]. Pprimite tpa, torach gabala cach nuatorair cío bec cío mor, ocur cach cet laeg ocur cach cet uan do cuirichter ip in bliadain.

Caithe techta pprimgene .i. caroe ðligeð in cuirrech geine. Cach pprimgeinit .i. caé cet laeg. Cach cet cuirðiu .i. cach cet lelap beirer bean ar tur. Cach ferimac .i. cach mac fearoa uile ima ruatuarlaicent in mathair a bpoind. Iar cetmuintir coir .i. ar na tuathair clano aroflaice na ban taroe don eclair. Cona coirðenaib .i. ma beirer amairer uirri. Reir a nanmcarat .i. do neir in an leir in carcanach a anm. Dech mo leiraitter .i. ip deð ma leiraiser in eclair im gabail nechnaice, ar dech leiraiser eclair tall im tech naiged ocur imcomairge amach .i. baither ocur comna ocur imna nanma 7rl. Caé ferimil .i. caé mil fearoa don uile cena ima ruatuarlaicent in mathair a bpoind. Do cethraib bicaib, do cethraib glanab .i. no uoraptha a recht. Pprimite tpa .i. cuirrech geine tpa. Torach gabala .i. in miach, ocur torao mairtertha, ocur cet bleogun na mbo. Cach nuatorair .i. cach torao nu. Cío bec .i. im lu. Cío mor .i. im cleithi.

O'D. 315. [Cach fearmac aroflaice bpoind a mathair.

<sup>1</sup> Or *lactiferous*.—The words translated thus are enclosed in brackets in the Irish, and are an aliter reading interlined by a later hand.



The right of a church from the people *is*, tithes and first fruits and firstlings; these are due to a church from her members (*subjects*). CUSTOM-  
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The right of a church, i.e. this is the thing which the church is entitled to from the people according to justice. Tithes, i.e. with definition. First-fruits, i.e. the first gathering of each new produce. Firstlings, i.e. the first born animals. Are due to a church, i.e. the church is entitled to these things from its subjects.

What are the lawful firstlings? Every first-born, i.e. every first birth of every human couple, and every male child that opens the womb of his mother, being the first lawful wife, with confession according to their soul-friend, by which a church and souls are more improved; and also every male animal that opens the womb of its mother, of small or lactiferous<sup>1</sup> animals in general. First fruits are the first of the gathering of every new produce whether small or great, and every first calf and every first lamb which is brought forth in the year.

What are the lawful firstlings? i.e. what is the law of the first born? Every first-born, i.e. every first calf. Every first birth, i.e. every first child which a woman brings forth first. Every male child, i.e. each and every man child by whom the mother opens her womb. Being a lawful first wife, i.e. in order that the child of adulteresses or secret women may not be given to the church. With confession, i.e. if any suspicion be had of her. According to their soul-friend, i.e. according to him to whom the soul is dear. By which a church and souls are more improved, i.e. the church is most improved for singing requiems, which most improves the church within with respect to guest-house and protection outside, i.e. baptism and communion and hymns for souls. Every male animal, i.e. every male animal of every kind by which the mother opens her womb. Of small animals, i.e. of clean animals, i.e. which were offered in the law of Moses. First fruits, i.e. first birth. The first of the gathering, i.e. the sack of corn, and the mast-fruit, and the first milk of the cows. Of every new produce, i.e. of every new fruit. Whether small, i.e. as to small quantity. Or great, i.e. as to large quantity.

Every male child which opens the womb of his mother.

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ARY LAW.

.1. մարա րսւած ան ար տւր, չեմբօ չրոմ քրոմջոմե հե, օսւր  
նօժա դիւն ու ստ մտօ քճա, ու օո րսւատ ղեճ մեւ ան. Մտօրա  
մոցն րսւած ար տւր, չեմբօ չրոմ օետ տւրտւ հւ. Օսւր ան օետ մաօ  
բերաւ օո, մա ղեճա, օո տաւաւր ւ քրոմջոմե օեւր եււաւր; նօժա  
դիւն ու ստ մա ղեճաւո ու ճօ րօւն ղեճ մեւ ան; օսւր օ օեւ,  
օրոմնօսւր օո օսւր տւր նա րօճտ մաւաւ ւր րօւր տն, օսւր մ  
օրաւ ւր տաւր օո լեօոն րօճ լաւմ օոն օրոմնօսւր; օսւր ւր տաւր  
լեւտեր ար տաւր նա տեմա տաւր օոն եււաւր. Օսւր մ մաօ օեւրա  
րաւոն մ օետ, ու ւ քրոմջոմե օոն եււաւր; ւր օսւրոմա օեւրա օո տ-  
աւր ա աժաւր տաւր նեճաւ ա աժաւր օսւր ճաճ մաօ ղեճաւ օա  
մաժաւր, օսւր ա օետ րօւր ա րօւրոն րօւր օրոմնօսւր, օսւր րօճոմ  
րօւրոմաւր ստա օոն եււաւր, օսւր օետաւ մ եււաւր լեճոմ  
օո, սաւր մօ օո տաւր օետա օեւրաւր մա օո տաւր մոտօտա.

#### Cach րօւմաւ օոնօ ար օետա.

.1. մարա օո օեւր րօւրտար լաճ ար տւր ւր մ տա, չեմբօ չրոմ  
օետ լաճ ւր մ տա 6; օսւր լաճ րօւրոն օո օոն րոն, օսւր լաճ  
րօւրոնա նա մօ մօեւր օեւ, օսւր ճաճ օեւմաւր լաճ օտր  
րօւրոն օսւր օոնոն նա մօ մօր.

Մարա օո մօր րօւրտար ա լաճ ւրոն տա, չեմբօ չրոմ օետ լաճ  
սեւ օո րօւրոն օո օոնոն; օսւր լաճ րօւրոնա նա մօ մօեւ  
սեւ; օսւր օաճ օեւմաւր լաճ օո լաճաւ օոնոնա, օսւր ճաճ  
օեւմաւր լաճ օտր րօւրոն օսւր օոնոն նա մօ մօր.]

Cach օեւմաւր տւրտւ տա րաւաւ, օո օոնաւ տա  
cach տա .սւ. ա օոտ եւտա ա րոնա տա րօւրտաւր  
եւաւր, օսւր cach օեւմաւր օոն օո օոնաւ տա-  
մաւա, օսւր օեւրաւ մ cach օոնաւ; օսւր cach  
րօճաւ լա օոն օոնաւ օո րօնաւ օո տա, րա cach  
տաւաւր օետ օոնօ արաւ տա րաւաւաւ սւր.

Օա օեւմաւր .1. տա տաւաւր նա րօւրտ ար ար տա .1. ղեճ մեւ  
տա մօտ ւրոն չեւրոն օո տա, օսւր նա օրո մեւ լա տաւաւ օո օոն ար,  
օսւր օրաւօսւր տա նա րօճտ մաւաւ ար րօւր, տա օա տն օո րօտ օոն

That is, if it be he (*the son*) that is born first, he is held for the first-born, but nothing is required from him (*the father*), if he (*the son*) dies, until there shall be ten sons *born afterwards*. If it be a daughter that is born first, she is held as the first-born. And the first son who is born to him (*the father*) after her is to be given as the first-born to the church; there is nothing due from him (*the father*) afterwards until he has ten sons; and when he has, lots are to be cast between the seven best sons of them, and the three worst are to be set aside (*exempted*) from the lot-casting; and the reason they are set aside is in order that the worst may not fall to the church. And the son who is selected, has become the tenth, or as the first-born to the church; he obtains as much of the legacy of his father after the death of his father as every lawful son which the mother has, and he is to be on his own land outside, and he shall render the service of a 'saer'-stock tenant to the church, and let the church teach him learning, for he shall obtain more of a divine legacy than of a legacy not divine.

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#### Every male animal also in general.

That is, if it be a small cow that has brought forth a calf first in the house, it shall be held as the first calf in the house; and a male calf from that cow, and male calves of the other small cows, and every tenth calf both male and female of the great cows.

If it be a great cow that has brought forth its calf in the house, it shall be held as the first calf whether male or female; and the male calves of all the small cows; and every tenth calf of the female calves, and every tenth calf whether male or female of the great cows.

Every tenth birth afterwards, with a lot between every two sevens, *with* his lawful share of his family inheritance to the claim of the church, and every tenth plant of the plants of the earth, and of cattle every year; and every seventh day of the year to the service of God, with every choice taken more than another after the desired order.

Every tenth, i.e. after taking the first fruit from it first, i.e. to collect ten sons, should they be in the 'geilline'-relationship, and to set aside the three worst sons, and to cast lots between the seven best sons, to see which of them would be

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եւայր. Եւրբուս .i. ոօ ծանոծ օգտր օժեղանք. Եօ օժեղանք .i. իար  
օրն Ի քրեօն Իր Եայր օնք արք. .i. իտրն յա բէժ Լոնմանք Իր քարք օնք ար  
նա Եւմա օնք ռոն եւայր. Եօր Եւտա .i. օօ յա Եւր քարանք Լայ  
անքն ոօ Եւմ յա եւայր. Եօ Եւանօնք .i. օժեղանք Ի արեւ  
Եւթրաւք .i. օժեղանք յա օժեղա. Եւթ քեւթմա Լա ռոն Եւա  
օնք .i. օժեղանք ռօ Եւր Ի յարքն .i. օ օժեղանքանք Ին քրեօնք  
օգտր օժեղանք արօն օ քարմանքանք. Մա իար Եւն, Իր քրեօն քրեօն  
քաւք Ի յարքն օգտր Ի քրեօնք ռոն եւայր, օգտր Եւթ քեւթմա Լա քրե  
քրեօնք օգտր Իր Եայրքն օ օժեղանքանք Ինքն օգտր Եւթա Լա քրե  
Եւթանքն օ յա քարմանքանք. Էրն Եւթ Եւթաքա .i. քրե Եւթ յա Եւթ  
քարեօն Լայր արեւն օնք քրեօնք. Իար յարեւնքն քրեօն .i. իար  
քրեօնքն օ քրեօնք արեւնք, .i. քրե Եւթն արեւնք Լայր Ին եւայր ռօ օժեղան  
ք, .i. քրեօնքն արեւնքք.

Cach naonacal .i. oac imna uapal oligtech do cach po uapalibetaro  
 bon uapm uapir banas aca in tioruacal no in taruacal.

Caip .i. comaircain caroe inni oligeo o cach gnaro ynn tuath po  
uairfoeato von uaim uair vanat ara in tronacul no in teonacul.  
Imna ocairech .i. los nenech cae gnaro vob po yppe a imna i nert-  
plaine no tir no to petablena. Tri peoit .i. tri pamairce. Ued  
peoit .i. oet pamairce ocup oi ba. Cuic peoit dec .i. da pamairce  
dec ocup teopa ba. Fiche pet .i. fe pamairce dec ocup ceiteopa ba.  
Tricha peoit .i. ceiteopa pamairce fiche ocup fe ba. Acht nup  
cormairti .i. uair noco cormair a comearoe opba. Comairba



due to the church. Birth, i.e. of persons and cattle. With a lot, i.e. after setting aside the three inferior sons, i.e. among the seven best children, that the worst may not fall to the lot of church. With his lawful share, i.e. with his share of the land which goes with him to the church. Of the plants, i.e. the tenth of the corn. Of cattle, i.e. the tenth of cattle. And every seventh day in the year, i.e. he puts Sunday in the reckoning, i.e. from 'daer'-stock tenants of church lands, in 'urradius'-law, and forty nights from 'saer'-stock tenants of church lands. If according to 'cain'-law, it is one-third of the work of all in the spring and in the harvest-time that is due to the church, and every seventh day in the winter and in the summer; this is from 'daer'-stock tenants of church lands; and fifty days in the year from 'saer'-stock tenants of church lands. With every choice, i.e. with every thing else which she (the church) chooses to relieve her. After the desired order, i.e. after ordering her desired law, i.e. whatever else is pleasing to the church to be done for her, i.e. whatever of order she desires.

Every grant with its noble rights *should be made* to the church by each according to his dignity.

Every grant, i.e. every noble lawful bequest *should be made* by every one according to his dignity to the church of noble harmony to which the grant or the bequest is due.

Question:—What is the law of each gift from each grade of the laity according to their dignity, to a church? The gift of an 'ogaire'-chief, is three 'seds' or their value; the gift of a 'boaire'-chief, five 'seds' or their value; the gift of an 'aire-desa'-chief, ten 'seds' or their value; the gift of an 'aire-ard'-chief, fifteen 'seds' or their value; the gift of an 'aire-tuisi'-chief, twenty 'seds' or their value; the gift of an 'aire-forgill'-chief, thirty 'seds' or their value; the gift of a king seven 'cumhals' or their value; but the 'comharbas' are not alike; the 'comharba' who sells and buys not, the 'comharba' who neither sells nor buys, the 'comharba' who buys and sells not.

Question, i.e. I ask what is due from each grade in the people, according to its nobility, to the noble harmony (the church) to whom the gift or the bequest is due? The gift of an 'ogaire'-chief, i.e. the honor-price of each grade of these is equal to his gift for the perfect health of his soul, in land or in 'seds' generally. Three 'seds,' i.e. three 'samhaisc'-heifers. Ten 'seds,' i.e. eight 'samhaisc'-heifers and two cows. Fifteen 'seds,' i.e. twelve 'samhaisc'-heifers and three cows. Twenty 'seds,' i.e. sixteen 'samhaisc'-heifers and four cows. Thirty cows, i.e. twenty-four 'samhaisc'-heifers and six cows. Are not alike, i.e. for

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penar nāo cren .i. comarba pecar ni amach ocyr na cennaisgen nī muich. Comarba nāo ren na cren .i. comarba na pecan nī imach ocyr na cennaisgen nī muich. Comarba crenar nāo ren .i. comarba cennaisgen nī imach, ocyr na pecan nī imach, in comarba do dāpormais.

In ci penar nāo cren nī, [no yr], meirech rīdī imna achte muna rīa nach mar.

In ci penar .i. nī imach. Nāo cren .i. nī imach. Nī, [no yr], meirech rīdī .i. noco [no yr] cuimgech eireic nī do timna. Muna rīa nach mar .i. aēt maine peca nāc mor. Dec tuc amach a mbecdeirbeiruar cen iarpais, ocyr do beir tuilliu rīr coruib tīan cotach rīne anō inā mārdeithbeiruar.

In ci nāo ren nāo cren yr dōpuidiu conaim meir imna, caich rō mīad. In ci crenar nāo ren, yr meirech rīdī imna amail rōn capā dīa tapcud pādērin, achte pōpacba techta rīne 1 noige, no cuir tīre dāra eire a nīmūilleoib rīne.

In ci nāo ren .i. in ci nā pacan nī imach, ocyr na cennaisgen nī imach. Ir dōpuidiu .i. yr dōn nīadāhīreim rō cannamrīge nō rō cotamrīge nī do timna rō uairlīdētāro. Rō mīad .i. tīan nō leach, uair yrre rāin do beir comarba conae rēilb dēpānn a rīne imach. In ci crenar .i. in ci cennaisgen nī imach, ocyr na pecan nī imach, in comarba dā dāpormais. Ir meirech rīdī .i. yr cuimgech eireic nī do timna anīail yr capētanach lēir dīa tapcud buōein. Achte pōpacba .i. aēt co pacba a nōlīge ac in rīne co hōg co complān .i. in tīan. Nō cuir tīre .i. a cūpuma dēpānn aile. A nīmūilleoib rīne .i. in bāil yr eim dōn rīne rōileātō air.

In ci penar bec inōeithberur fuilleo rīur in nī rō pēac cō rāib tīan cōta rīne anō, ocyr fuilleo dīa rētaib cō rāib techta nīmna anō.

<sup>1</sup> *Is capable*.—The words in brackets, in the Irish text, are an aliter interlined reading in the MS.

<sup>2</sup> *Too much out*.—The meaning seems to be, he who diminishes the tribe stock cannot make gifts, or according to others, he can make gifts if he has not diminished the tribe stock too much.

the heirs to land are not alike. The 'comharba' who sells and buys not, i.e. the 'comharba' who sells a thing out and does not buy a thing outside. The 'comharba' who neither sells nor buys, i.e. the 'comharba' who does not sell a thing out, and who does not buy a thing outside. The 'comharba' who buys and does not sell, i.e. the 'comharba' who buys a thing outside, and who does not sell a thing out, i.e. the 'comharba' who increases the amount of the stock of the tribe or community. CUSTOM-  
ARY LAW.

He who sells *out* and does not buy *in* is not capable, or according to others, is capable,<sup>1</sup> of making grants, provided he has not sold *out* too much.<sup>2</sup>

He who sells, i.e. a thing out. Does not buy, i.e. a thing outside. He is not, or is capable, i.e. he is not, or he is able to make a grant. Provided he has not sold too much, i.e. unless he has sold something too great. He gave little out in little necessity without asking, and he gives addition to it until it amounts to one-third of the tribe-share in great necessity.

He who has not sold or bought is allowed (*competent*) to make grants, each (*person*) according to his dignity. He who buys and has not sold, is capable of making grants as he likes out of his own acquired wealth, but *only if* he leaves the property of the tribe intact, or a share of *other* land after him for the augmentations of the tribe.

He who has not sold, i.e. the person who does not sell a thing out, and who does not buy a thing outside. He is allowed, i.e. it is estimated or considered that it is lawful for this particular person to make a grant according to his nobility. According to his dignity, i.e. one-third or one-half, for this is what a 'comharba' with possession gives of the land of his tribe, out. He who buys, i.e. he who buys a thing outside, and does not sell a thing out; i.e. the 'comharba' who increases the property. He is capable, i.e. he is able to make a grant as is pleasing to him out of his own acquisition. But he leaves, i.e. but so that he leaves their right to the tribe entirely and completely,<sup>3</sup> i.e. the one-third. Or a share of land, i.e. an equal quantity of other land. For the augmentations of the tribe, i.e. where the tribe might expect increase upon it.

The person who sells a small quantity without necessity shall add to the thing which he sold, until it amount to one-third of the tribe share, and give additional 'seds' until it amounts to a lawful grant.

<sup>3</sup> *Completely*.—C. 833, reads: "Techta fine noige .i. a cuit típe amarl pónomacc ar a chinn iar na pacbaíl dia athair do, maó orpe, no a cuitpuma tar eirí .i. an cobéir do tarpuo a laime." "The family property in full, i.e. his share of land awaits him after having been left him by his father, if an inheritance, or its equivalent besides, i.e. its value of the gains of his hand."

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ARY LAW.

1n ei nað racano ocuf na luaiçenð ðo bein ðo tpuan cota fine fpu a bec ðeithbeiuu, ocuf lech fpu maððeithbeiuu.

1n comorba tairceð ið e in cuçpuma fa ðo bein, cenmoa in nì ðo fairce fein, ocuf ðo beiuu on oiað tapcað fein ðon eclaið cið co tpuan no a lech no ða tpuan.

1n comarba rapað nì a nìðeithbeieð, cið bec, nì comaplecteð ðo nì ðo bponðuð iapfain. Comarba ðo ðagaib a nìðeithbeiuu nì meieð imna. Mað fpu ðeithbeiuu imoru, ðo bein loç a enech ðo tpuan fine ðo eclaið. Comarba conae ocuf comarba ðo formaið loç a neneð ðo tpuan fine o cechtað ðe oia eclaið. Mað mo in loç nenech na tpuan fine, fuilleð oia feaib.

Comarba ðo ðagaib fpu bec ðeithbeiuu .i. laét gepuð, co ðo fi maððeithbeiuu .i. lachc rapuð, nì bponna aét tpuan tpuan na fine; iðeð on ðo bein comarba conae ocuf comarba ðo ðapormaiað a mbec ðeithbeiuu, lech tpuan na fine imoru fpu mað ðeithbeiuu.

o'd. 817. [Aéaie tpu comarba la feine nìð comfaeð a cuir.

.1. lan loç einuð a nepçlainci fo fpu.

1ð ann ðo beiuu na rapna ðo beiuu .i. ðo feapunn a achiu .i. i copuib ocuf i cunnupçuib, ocuf imna a nepçlainci ðo eclaið, ocuf a celçine ðo flaið; ap ið ceçpuið cum a ap tpuan an fine ðon fepuð amuð ba mað é ðo beð in compuin fpu, iap mben cota flacha ocuf ecalfa ap ap tuð. Ocuf iðeð ið bec ðeithbeiuu ann, puç a leð ocuf comiçfa a feachna; iðeð ið maððeithbeiuu ann, puç a leð ocuf nocha cumuinað a feachna.

Ocuf iðeð i tabuip ðuine a feapunn aét a ceitçe heapnaile nama, ina chinçuib ðeithbeie, ocuf ðo fíl a cholla, ocuf a niuimna nepçlainci ða eclaið, ocuf apu çaipe, ocuf cuic fine ðo beiuu amach ann fpu, ocuf nocha tabuic cuic flacha no eclaið.



He who neither sells nor purchases may give as far as the third of tribe share, in case of <sup>a</sup> little necessity, and the one-half in case of <sup>a</sup> great necessity.

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ARY LAW.

<sup>a</sup> Ir. with.

The 'comharba' who acquires (*adds to his inheritance*) may give this amount (*the same as the last-mentioned*), besides what he has acquired himself, and he may give out of his own acquisition to the church as far as one-third or one-half or two-thirds.

The 'comharba' who sells a thing, though *ever so small*, without necessity, is not recommended to bestow any thing afterwards. The 'comharba' who takes without necessity *from the common stock for his own purposes* cannot make a grant. If it be with necessity, however, he may give the value of his honor-price of the tribe-third to a church. The 'comharba' who keeps and the 'comharba' who increases, may each of them give *the value of his honor-price of the tribe-third to his church*. If the honor-price be greater than the tribe-third, he shall add *to it* from his 'seds.'

The 'comharba' who takes with little necessity, i.e. winter milk, or with great necessity, i.e. summer milk, shall not bestow but the third of the third of the tribe; this is what the 'comharba' who keeps, and the 'comharba' who increases, give with little necessity, but they may give one-half the tribe-third in great necessity.

There are three 'comharbas' with the Feini whose contracts are not equally free.

That is, what follows down here relates to honor-price for the perfect health *of the soul*.

The following are the cases in which they give these portions, i.e. of the father's land, i.e. in contracts and covenants, in gifts for the perfect health *of the soul* to a church, and as tenancy to a *lay* chief; for it is the opinion of some that this division is made of the tribe-third of the land as if he (*the tribesman*) were dead, the share of the chief and of the church being first subtracted from it. And little necessity in this case is, that he required it and he could avoid it; great necessity is, that he requires it and could not avoid it.

And a man may give his land in four cases only, viz., for his lawful liabilities, and to the issue of his body, and as grants for the perfect health *of his soul* to his church, and for maintaining him *in old age*, and it is the tribe-share they give out thus, and they do not give the share of a chief or of a church.

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ARY LAW.

Μαγα ορβα ερσιβ νο ρλιαρτα οι ηε, το βερα ιν ben α να εριαν ιν zach νο α τιβρε α ργσιε, οσυρ κοιμγι ο ρινε αρ ιν εριαν ειλε, οσυρ nochα ταβιρ κοιμγι αρ ιν ουινε ρειν ιμα ργσιε το ερερ, αετ εεγαρ ρο κορσιβ να νρεαρνα νοεχυρ οιβ.

Ινυηη ιν comarba conae οσυρ αν comarba το ρορμαιε ιν ρεαρυηη αν αχυρ οσυρ α ρεαναχυρ, αετ ιν ρεαρυηη το εαβαιλ αμυεε αεά ιν νειτθειρ.

Ιν comorba το νοεαιβ βεε το βειρ ριν amach, μα βεε νεεβιρμυρ ειν α ριαρρμυρε; οσυρ το βειρ ρυιλλεο ρεριν α μαιρνεεβιρμυρ, co ροιβ εριαν εοτα ρινε ανο, ιαρ να ριαρρμυρε.

Ιν comarba το νοεαιβ βεε, το βειρ ινα ιννεεβιρμυρ, ειν α ριαρρμυρε, οσυρ ταεημυεεχυρ, οσυρ nochα τοβιρ νο α mbec νεεβιρμυρ ινα μαιρνεεβιρμυρ αρ α haéle.]

Ιρ τεεητα εια ιμανα βοαιρε ειο λογ ρεετ cumal το ταρκυο α κυιρ ραδεριν, acht ρορραεβα να εριαν α ταρκυοα ια ρινε collna. Μαο ορβα νορλι ιρ λεη, μαο ορβα αραιο; ναο βιεο on το ναιρρε, ιρ εριαν; μαο ρερ νανα, να εριαν να κορσιβ.

Ιρ τεεητα .ι. ιρ ολιεεε εοιμνηαο ιν βοαιρε co λογ ρεετ cumal το ταρκυο α κυιρ δυοειν .ι. αρ ροχηριαε τυεαο ιν ρερανο αμυιχ ανο ριν. Αεηε ρορραεβα .ι. αετ co ραεβα να εριαν α ταργυοα εε ιν ρινε ο ριναρραεαρ α colunn. Τιρ ερι ρεετ cumal ρο ταρρεεραρ αμυιχ ανο; οσυρ ειν ρεετ cumal οιβ ινα εινταιβ νειτθειρε ρειν, οσυρ τιρ να ρεετ cumal οιβ ραεβαρ εε ιν ρινε. Μαο ορβα νορλι .ι. μα ρεαρυηηο τυιλλερ νο αριλεμυεερ αρ ροεριαε ιρ ανη ατα ραιν. Μαο ορβα αραιο .ι. οσυρ α δυαλγυρ ρυαιλ νο εβαιρ ρυιε ιν ρεαρυηηο ανηρανε, οσυρ, το βερα α λεε ιν εαε νο α τιβρα α ρευιθε, οσυρ comgi ο ρινε αρ ιν λεε αιλε. Ναο βιεο on το ναιρρε .ι. muna βεαο on ταργεερ ηε α δυαλγυρ υαιλ νο

*As to a woman*, if it be her 'cruib'-land or 'sliasta'-land, she may give two-thirds of it for everything for which she would give her movable property, and the tribe has power over the other third, but it never gives power over the person itself respecting her movables, but her contract shall be impugned, if she makes a bad bargain respecting them.

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ARY LAW.

The 'comharba' who keeps, and the 'comharba' who increases, are similar with respect to the land of their fathers and grand-fathers, but the difference *between them* consists in their taking land outside.

The 'comharba' who has acquired a little may give out that *little* without asking *permission*, if it be a *case of* little necessity; and he may give more along with it in a *case of* great necessity, until it amounts to one-third of tribe-share, after asking *leave*.

The 'comharba' who has acquired little, *and* gives it without necessity, without asking *permission*, has it (*his gift*) set aside, and he shall not give anything in little necessity or in great necessity afterwards.

It is lawful for the 'boaire'-chief to make a bequest, to the value of seven 'cumhals,' out of the acquisition of his own hand,\* but *only if* he leaves two-thirds of his acquired property to the original tribe.\* If it be land that acquires it, it is one-half, if it be land that grows it; if it be not he that acquires it, it is one-third; if it be a professional man, it is two-thirds of his contracts.

\*Ir. body.

\*Ir. Flesh-  
Tribe.

It is lawful, i.e. the 'boaire'-chief proceeds lawfully to the amount of seven 'cumhals' of the acquisition of his own body (*exertion*), i.e. it was for hire the land was given out then. But that he leaves, i.e. but that he leaves two-thirds of his acquired property to the tribe from whom his body has descended. Land of three-seven 'cumhals' *value* he has acquired outside in this case; one land of seven 'cumhals' *value* of them *he gives* for his own necessary liabilities, and a land of two-seven 'cumhals' *value* he leaves with the tribe. If it be land that acquires it, i.e. if it be land that deserves or merits it for reward, it is then this is so. If it be the land that grows it, i.e. and in right of urine or manure he obtains the land in this case, and he shall give the half of it in the *case of* every thing for which he gives his movable goods, and the tribe has a claim as against the other half. If it be not he that acquires it, i.e. unless it be that he acquires it in right of urine or manure *which he gives* but one-third; this

**CUSTOM-ARY LAW.** — *thuan, aét tuan; fceil aile eiric ocuf a fochraic fhuith in fearan-  
anorann. I f tuian .i. i f tuian bunait la fine. Maó fear dāna  
.i. ma fearanó fuair ar a dān he .i. maó eadil hnechemnara no fidi-  
weéda no náé dāna olcena i f meire dā tuian weclaf de. Dā tuian  
dia coraib .i. in cach ní i cibrea a cor ocuf a cunorao.*

.1. fearann fain fuair ar a dān, no ar a leiginn, no ar a  
fidiwecht; do beara dā tuian in cach ní i cibrea a cor ocuf a  
cunorao dā fcaichib, ocuf comge on fine ar in tuian aile; no  
dono i f fuithe iumair gneine ná boinne uil aic ann; ocuf damao  
he dān oligeo ná fine, noco cibre he aét amail do beara fearanó  
oligtech ná fine.

In ci coimeaf a tir cen caithem timéll a fine, i f thuainig  
tuian cota fine do caithem ffu bec weithbiur, ocuf a leth  
ffu marweithbiur. Maó in ci oigbar ní dia tir ffu bec  
weithbiur timéll a fine, i f tuilleo ffu in ní ro caich co  
raib tuian cota fine ann ffu marweithbiur.

In ci oigbar bec de i nionweithbiur, ce do necma cin weithbiur,  
ní tabair ní dia tir ino. Maó in ci do doformais, i f tuian  
cota fine caichef ffu bec weithbiur ocuf an a doformais, ocuf  
dā tuian cota fine ffu marweithbiur. No dono i f los a bo ocuf  
a éapaill o caé comarba dib a coircenn, ocuf tuian cota fine ffu  
nuna, ocuf cuir fine uile do gill dib a bar. Ocuf ar fe bec  
weithbiur in flechra ro cennach bo ocuf éapaill, ocuf arfe  
a marweithbiur nuna.

Ní faccaib nech cif for a orba nach for a fine ná  
fuiric fuirre. Maó mana imna, no feota gerta  
no gairne, no faine cron fain feirce, no imcuail  
lanamna; cach dicéll naó bí dilef acht maó dofol-  
tach in fine.

Ní faccaib nech cif .i. nocon faccaib do neoch cif for a fearann.  
For a fine .i. gailfine. Ná fuiric fuirre .i. nar anseo uirre

<sup>1</sup> *To the tribe.* If the tribe be a professional one, they all have a claim to the  
emoluments. If only an individual is professional, he shall have all his profes-  
sional earnings to himself.



is another case, it was for hire the land was obtained. It is one-third, i.e. the original third belongs to the tribe.<sup>1</sup> If he be a professional man, i.e. if it be land that he has obtained for (*by the exercise of*) his profession, i.e. if it be property acquired by judicature or poetry, or for any other profession whatsoever, he is capable of *giving* two-thirds of it to the church. Two-thirds of his contracts, i.e. in every thing in which he will give his contract and his covenant.

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ARY LAW.

That is, this is land which he obtains for his art, or for his learning, or for his poetry; he may give two-thirds for every thing for which he will give his contract and his covenant, of his movable goods, and the tribe has power over the other third; or else he has knowledge of the 'iumais'-nuts of the land of the Boyne; and if it was the lawful profession of the tribe, he shall not give of it (*the emolument of that profession*) but just as he would give of the lawful land of the tribe.

He who keeps his land, without spending it upon his tribe, can spend the third of the tribe-share in case of<sup>a</sup> little necessity, and one-half in case of<sup>a</sup> great necessity. If anyone lessens his land, in case of little necessity upon his tribe, he shall add to what he has spent until it amount to one-third of the tribe-share<sup>2</sup> in case of great necessity.

<sup>a</sup> Ir. with.

As to one who lessens a little of it (*his land*) without necessity, whatever happens without necessity, he shall not give any portion of his land for it. If it be the person who has increased, he may spend the one-third of tribe-share and the increase in case of little necessity, and two-thirds of tribe-share with great necessity. Or else it is the price of his cow and of his horse from every 'comharba' of them in general, and the third of tribe-share at a dearth, and the whole of tribe-share from them as a pledge at the point of death. The little necessity of this case is the purchase of a cow and horse, and the great necessity is a dearth.

No person should leave a rent upon his land or upon his tribe which he did not find upon it. If he wishes to leave a gift or 'seds' for future maintenance, or 'seds' of maintenance, or peculiar possession of peculiar affection, or marriage dowry; a concealment is not forfeited unless the tribe be unqualified.

No person should leave a rent, i.e. rent is not to be left by anyone upon his land. Upon his tribe, i.e. his 'geillfine'-tribe. Which he did not find

<sup>2</sup> Tribe-share, 'cuit-fine,' means a tribe-man's share of the land.

**CUSTOM-ARY LAW.** — reime. Maṑ maṡa imna .i. maṑ aṡ leir ni ṑo timna i neṗclanne seota geṗta .i. loḡ ar denam na ḡaṗe .i. ṑon baṡa. ḡaṗe .i. ar a ḡaṗe fein. No ḡaṗe eṗon .i. ḡaṗiugao eṗuṑo ṑon ti iṗ ḡeṗcach leir ḡech a ceṡe ṑa claino. No imcuṡaṡl lanamna .i. coibchi ṑo mnaí. Cach ṑicheṡl .i. na fine. Naṑ bi ṑileṗ .i. on fine. Aṡe maṑ ṑoḡoltach .i. uair maṑ inṑoltach iat noco ticeṗaṡe ḡae ḡuṗ-ḡeom. ṑoḡoltach .i. ḡuṗ romanne.

Ni ṑobair nech ṗeṡb aṡt maṑ ni ṑo ṗuaicle ṗaṑeṗin, aṡt maṑ a comceṗaṡḡ a fine, ocuṗ ṗoṗaṡba a cuṡ tṗe la fine a comṑile ṑar a eṗe.

Ni ṑobair .i. nacon ṑobairti ṑo neoch ṗeṗanne. Seṡb .i. a eṗe fein. Aṡt maṑ ni ṑo ṗuaicle .i. aṡe anṑ ṑeṗbcennaiḡeṗ buṑein. Aṡt maṑ a comceṗaṡḡ .i. aṡe a ceṗaṑo cumaiṑe na fine. ṗoṗ-ṗeṡba .i. ocuṗ co ṗa ṗaṡba a caṗṗuma ac in fine a cumao ṑileṗ ṑar éṗ in ṗeṗaṗaṑo tuc amach. A cuṡ .i. a éuṗuma. A comṑileṗ .i. tṗe a aṡar no a ḡeṗaṡar.

ṗoceṗo a aṡair mac inḡoṗ a hoṗba, ocuṗ ṗo-  
ceṗo a oṗba ḡuṗ nech ṑo ḡni a ḡaṗe, co ṗaṡb loḡ  
ḡuṗ de; muna ṑena a mac a ḡaṗe aṡt maṑ aṡair  
anṑoltach.

ṗoceṗo .i. aṡa cuṗuṑo in aṡair in mac inḡoṗ ar in ṗeṗaṗaṑo. ṗoceṗo a oṗba .i. aṡa cuṗuṑo a ṗeṗanne ṑon ti ṑo ni a ḡaṗe. Co ṗaṡb loḡ ḡuṗ de .i. loḡ in ḡuṗ, ḡeṡe cumala ar eṗ niṑeṗ ṑo mac ṗeṗama ṑa in fine, ṑo ḡuṗ eṡṡaṗfine iat ṗemeo ṑo fine a ḡaṗe; no iṗ loḡ ṗaṡair nama ṑo fine. Muna ṑena a mac a ḡaṗe .i. mana ṑeṗna a mac buṑein a ḡaṗe. Aṡt maṑ aṡair anṑoltach .i. aṡa aṡe lium anṑ, aṡe maṑ anṑoltach in aṡair, noco niṑoṡḡeo ṑon mac cen co ṑeṗna a ḡaṗe.

Maṑ ḡuṗ heclaiṗ ṗoceṗo nech a oṗba ar a ḡaṗe,  
ar ṑileṗ ṑi co ṗaṡb loḡ ṗoḡnama ṑi anṑ beṗ ḡuṗ a  
O'D. 139. eṗian ṑo ṗuaicle, [no beṗ ḡuṗ a leṡh;] ar iṗ cuma

upon it, i.e. which was not claimed of it before. If he wishes to leave a gift, i.e. if he wishes to grant anything for the full health of his soul. 'Seds' for future maintenance, i.e. the price for performing the maintenance, i.e. to the foster son. Maintenance, i.e. for maintaining himself (*the foster father*). Or peculiar possession, i.e. for giving a different property to one of his children who is dearer to him than the rest. Or marriage dowry, i.e. a 'coibche'-marriage gift to a woman. A concealment, i.e. of the tribe. Is not forfeited, i.e. from the tribe. Unless *the tribe* be unqualified, i.e. for if they be disqualified they cannot impugn him. Unqualified, i.e. as to property.

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ARY LAW.

No person should grant land except such as he has purchased himself, unless by the common consent of the tribe, and *that* he leaves his share of the land to revert to the common possession of the tribe after him.

No person should grant, i.e. land should not be granted by any one. Land, i.e. his own land. Except such as he has purchased, i.e. except *that part of it* which he himself has actually purchased. Unless by the common consent, i.e. but by the common consent of the tribe. *That* he leaves, i.e. and that he leaves an equivalent to the tribe, and that the land which he gave out may revert to the tribe. His share, i.e. its equivalent. To the common possession, i.e. the land of his father or of his grandfather.

The father may remove a son who does not maintain him from his land, and give his land to one who maintains him, until the value of a man is got out of it; unless his son maintains him not because the father is unqualified.

May remove, i.e. the father removes the son who does not maintain him out of the land. And gives his land, i.e. he gives his land to the person who maintains him. Until the value of a man is got out of it, i.e. the price of the man, seven 'cumbals' for rack-rent to an adopted son of his 'indfine'-tribe, to a man of an external tribe when his own tribe has refused to maintain him; or it is the price of labour alone to the tribe. Unless his son maintains him not, i.e. unless his own son maintains him not. Because the father is unqualified, i.e. I make a condition here, if the father be unqualified, it is not unlawful for the son, if he does not maintain him (*the father*).

If it be to a church one gives his land for maintaining him, it is forfeited to it (*the church*) until it has the worth of service as far as the value of one-third or one-half of what was purchased; for it is the same as

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ARY LAW.

ocur bíd dígbad a fine in tan na nurnaidenó a póla. Ír da pólaib fine gairne cach fír fine, fogne fine ina pólaib coirib. Fólaib coire fír fine cen ní cúa neach acht ní rúa; cen nímgoná; acht ní aile na dínraide; cennib gaeht, acht ní nellne a baer; cenip trebar acht ní foglaug fine na feibá. Trebar cach conae a rinnidó oigí forúic, na facba domain ber mo inde forúic fuirne.

Mac fír heclair .i. mac fír neclair aca cuirer nech a fearann ar a gairne. Ar uileir dī .i. ír uileir dī co roib los uaral fognamma dī anó, .i. ír uileir don eclair an torba do ruacail ar gairne, co roicceir fír letlog no cúan los ber fír in fognam do ruine, let mara inoicibir don fine cen a gairne, no cúan mara deicibir. Ber fír a cúan .i. mara deicibir. Do ruacile .i. degeonacaeir.

Nó cúan .i. in ní ru biao do mac aerma tan fine ar denam na gairne, a cúan don eclair, ocur deicibirir fo deira don fine cen in gairne do denam. Nó donó, co na deirad ní in comloguo rin acht ne fine buidein.

Cnet deirge beaó fír a leth? .i. tír da feét cumal uil ac an renoir, ocur tír feét cumal dīb don eclair.

O'D. 320.

[Cio ír deicibirir ocur ír inoicibirir don fine? Ír eó ír deicibirir doib a mbet ag a cúich. Ar eó imuirio ír inoicibirir doib, atait a cúich, ocur aca roicceach inleirige acuo, ocur ní denuit in gairne.

Matá ag in mac roicchead, a langairne anoir .i. a athuir ocur a mathuir; denad a langairne anoir. Muna fuil ac in mac roicchead a langairne anoir, ocur aca a nímfulung, denad a nímfulung anoir; muna fuil aige a nímfulung anoir, ragbad a mathair írin cluó, ocur tabrad a athuir ler for a muin dia cig féin.]

<sup>1</sup> *In the ditch.*—The word 'cluó,' here translated 'ditch,' means also 'a grave, a burying ground.'



if the tribe had become extinct when it does not attend to its duties. It is *one* of the duties of the tribe to support every tribe-man, *and* the tribe does this *when it is* in its proper condition. The proper duties *of one* towards the tribe are that when he has not bought he should not sell; that he does not wound; nor desire to wound or betray; although he be not wise, but that his folly has not been taxed; although he be not wealthy, but that he be not a plunderer of the tribe or land. Every one is wealthy who keeps his tribe-land perfect as he got it, who does not leave greater debt on it than he found on it.

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If it be to a church, i.e. if it be to the church one lets his land for maintaining him. It is forfeited to her, i.e. it is forfeited to her until she has the amount of her noble service, i.e. the land which it purchased by maintenance *of an old man* is forfeited to the church until half the amount or one-third the amount of the maintenance she performed is paid to her, one-half if it be without necessity the tribe did not perform the maintenance, and one-third if it be with necessity. As far as the value of one-third, i.e. if it be a *case of necessity*. Of what was purchased, i.e. honestly purchased.

Or one-third, i.e. of what would be *due* to an adopted son of the tribe for performing the maintenance, the third is due to the church, when it was necessity that caused the tribe not to perform the maintenance. Or, *according to others*, she (*the church*) would not make this settlement except with her own tribe.

What of this is worth one-half? That is, the old man has land worth\* two seven 'cumhals,' and *he gives* one *portion of* land, \*fr. *of* of the value of seven 'cumhals,' to the church.

What is necessity and non-necessity for the tribe? Necessity for them is when they are not in their territory. Non-necessity for them however is, when they are in their territory, and they have sufficient wealth, but they do not perform the maintenance.

If the son has sufficient wealth, he should fully maintain both, i.e. his father and his mother; let him maintain both fully. If the son has not wealth sufficient to maintain both fully, but that he have sufficient to support them, let him support them both; if he has not sufficient to support them both, let him leave his mother in the ditch,<sup>1</sup> and let him bring his father with him on his back to his own house.

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Imfuych mac gop cach n'ochuyr im a athayr, nimfuych cach rochuyr. Foerige cen ni potaithim. Iy amlaio in tathayr fpyr in mac ngop; imfuych cach n'ochuyr, nimfuych cach rochuyr.

Cach n'ochuyr .i. ce ruytar a ley cin co ruytar. Nimfuych .i. ni imtaithmich. Cach rochuyr .i. nocy pi a ley. Foerige .i. veine fpeigium imme ima fuyayrur cen co cuimgach thu a thaithech. Iy amlaio in tathayr .i. yr amlaio fein ata in tathayr ruyr in mac do ni a gaire. Imfuych cach n'ochuyr .i. ce ruytar a ley cin co ruytar. Nimfuych .i. noco pi a ley.

Nimta in mac ingop; nimfuychpide nach rochuyr no nach dochuyr oia athayr. Nimtha in tathayr fpyr in

<sup>1</sup> *As it is rendered.*—The words in brackets in the Irish 'aithail ictar' are very obscure in the MS. and are only read conjecturally.

Or as far as the value of one-half, i.e. whatever would be *due* to an adopted son of the tribe for performing the maintenance, it is one-half *the same* that will be *due* to the church; in case it was not necessity that caused the tribe not to perform the maintenance. For it is the same, i.e. it amounts to the same thing as if the tribe had become extinct, when the tribe does not attend to the duties required of it respecting the maintenance, i.e. as it is rendered<sup>1</sup> by him to the church so the one-half or one-third of the service shall be paid for the maintenance. It is *one* of the duties, i.e. it is one of the duties required of the tribe to maintain their tribe-man. The tribe does this, i.e. they do it by the duties which are required of them according to propriety. The proper duties towards the tribe, i.e. these are the duties which are proper for him towards the tribe. When he has not bought, i.e. when one has not purchased a thing outside. He should not sell, i.e. he should not sell a thing out. That he does not wound, i.e. *it is not enough* that he does not wound, but he must not have a desire of wounding. Or betray, i.e. that he does not furnish any unlawful information, i.e. with respect to betraying. Although he be not wise, i.e. although he be not wise in his nature *he is all right*, but so that nothing is claimed to be paid for his folly. His folly has not been taxed, i.e. nothing is claimed for his folly, i.e. the liabilities of his thieving or his burning. Although he be not wealthy, i.e. although he is not efficient as to ploughing or reaping *he is all right*, but so as he is not a plunderer of property or land. Every one is wealthy, i.e. every one is wealthy who keeps the hereditary property of the tribe in the same perfection in which it came into his hand. Who does not leave *greater* debt, i.e. that he does not leave upon it a debt of liabilities greater than what was claimed of it before.

A son who supports his father impugns every bad contract of his father's, he does not impugn any good contract. He notices although he does not dissolve. So is the father in relation to the son who supports him; he impugns every bad contract, he does not impugn any good contract.

Every bad contract, i.e. whether it is required or not required. He does not impugn, i.e. he does not dissolve. Good contract, i.e. which he requires. He notices, i.e. he gives notice that he<sup>a</sup> will disturb it although he<sup>a</sup> is not able to dissolve it. So is the father, i.e. in the same way is the father with respect to the son who performs his maintenance. He impugns every bad contract, i.e. whether it is required or not required. He does not impugn, i.e. which is not required.

Ir. thou.

Not so the son who does not support his father; he does not dissolve any good contract or any bad contract of his father's. Not so the father in regard to

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mac ningor; do in-tar-de cach n-ochur ocyr cach rochur dia mac, mað forpocra cyru a meic co fiairtar cach. It dilyr do feirta mec cip airin ina tair; nach fritchola friu cia ruc a macrum ar cach it dilyr; ir de ar berar "ni riu ni riu friu doðamna. Ni riu do baeth filit la feine, do mnai, do cimio, do muz, do cumail, do manach, do mac beoathar, do deorad, do tair" \* \*

Nimta .i. ni hinionto leam .i. nocon amlair fein ata in mac ingor. Nach rochur .i. cor comloig. Nach rochur .i. iudarta. Nimtha in tathair .i. ni hinann liam .i. nocon amlair fein ata in tathair nyrin mac ingor. Cach n-ochur .i. cen co nyrer a lear. Cach rochur .i. cona riachtain a lear. Mað forpocra .i. maðia forpocra in tathair ar can cunnrað do denam nyr in mac. Co fiairtar cach .i. co riab a nyr ac in cach do rinne cunnrað nyr. It dilyr do .i. ir dilyr do feirt a meic cride inao a tairaro iat. Nach fritchola .i. nocon firiola a leth nyr cipeo berer a macrum o cae tuine no co tarbairther he fein. Ni riu ni riu .i. ni ro riu ni imach ocyr ni ro cennairgea ni imuich don ci ar doðamna bir ir in somon .i. in mac ingor. Ni riu do baeth .i. ni ro cennairgea ni o na baethair fuilec do nyr in feinechair. Do mnai .i. in doaltrach. Do cimio .i. ir dilyr bair. Do muz .i. dier. Do cumail .i. tair. Do manach .i. cio rier manac cio dier manach. Mac beoathar .i. in mac ingor. Deorad .i. deora da nemtarractain. Do tair .i. in gatare.

O'D 320,      **Al eiric ocyr a dilyr.**

&c.

.i. coirpoire. Dilyr .i. feirt ocyr maine .i. tar rarygao do bui amuic é, ocyr ir ceryr daimað ecoruach é, ocyr a bnech conuic bui eirinn do da marbthar é, co mbeð coirpoire ocyr eirinn do fia fine inn.

<sup>1</sup> *Exchange*.—Fritchola—A thing given in exchange, the price of a thing sold.

<sup>2</sup> *From a thief*.—The full copy of the 'Corus Bescna' in O'D. 1137-1163 ends imperfect here. The remainder of the section, the text of which is also imperfect is taken from O'D. 320, &c.



the son who does not support him; he sets aside every bad contract and every good contract of his son's, if he has by notice repudiated the contracts of his son, that all might know it. The 'seds' of his son are forfeited to him wherever he seizes them; whatever his son has obtained from others in exchange<sup>1</sup> is forfeited; whence is said: "thou shalt not sell to, or buy from an unqualified person; thou shalt not buy from a fool of those among the 'Feini,' from a woman, from a captive, from a bondman, from a bondmaid, from a monk, from the son of a living father, from a stranger, from a thief."<sup>2</sup>

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Not so, i.e. I do not deem it similar, i.e. it is not so as to the son who does not support his father. Any good contract, i.e. a contract of equal value *on both sides*. Any bad contract, i.e. frauds. Not so the father, i.e. I do not deem it alike, i.e. the father is not so with respect to the son who does not support him. Every bad contract, i.e. which is not required. Every good contract, i.e. when it is required. If he has by notice repudiated, i.e. if the father has warned *the public* in the case not to make a contract with the son. That all might know it, i.e. that every one who made a contract with him might know it. Are forfeited to him, i.e. the 'seds' of his son are forfeited to him wherever he seizes them. In exchange, i.e. whatever his son has obtained from any man cannot be true value with respect to him *nor aught else* until *the thing* itself is seized. Thou shalt not sell or buy, i.e. thou shalt not sell a thing out, and thou shalt not buy a thing outside from the most unqualified person that is in the world, i.e. the son who does not support his father. Thou shalt not buy from a fool, i.e. thou shalt not buy from persons who are not sensible according to the 'Feinechas.' From a woman, i.e. the adulteress. From a captive, i.e. who is condemned to death. From a bondman, i.e. a 'daer'-bond-man. From a bond-maid, i.e. a 'daer'-bond-woman. From a monk, i.e. either to a 'daer'-monk or a 'saer'-monk. From the son of a living father, i.e. the son who does not support his father. A stranger, i.e. from a stranger who is not to be found. From a thief, i.e. the stealer.<sup>3</sup>

### His 'eric'-fine and his bequest.

His 'eric'-fine, i.e. his body fine. Bequest, i.e. 'seds' and property, i.e. by violence he was outside, and it is the opinion of *lawyers* that if he be a non-sensible adult, and that, while being brought out by an insecure road, he was killed, his tribe shall have body-fine and honor-price for him.

<sup>3</sup> Stealer.—This is the last word in the copy of this tract in H. 2, 15, p. 66, b. (O'D. 1163.) The remainder is taken from the fragmentary copy preserved in H. 3, 17 (O'D. 320, &c.), except a few sentences from H. 3, 18, p. 381, a. (C. 833, &c.)

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Cuic reoit for neach diathur eloduch ar a rinna-  
thur.

.1. riachtaatar .ui. haróicha ina bairi banaparó a fut peime-  
achuir naé reacha; .ui. buair regar in apadó a cain fuithribe;  
ocur na cuic reoit a fenchur .i. teorá ba do taet do gac eric  
uib, ocur ir in apadó riallaig ingnoma ata anho. Do imorru  
munbar ingnoma .i. fon corruiluir fuil a cain, adon, re uingse  
ma ingnoma, ocur da uingse munbar ingnoma.

Caé cin do dena tar banaparó oc in fir fine ir a trian fair.  
Ma tar farugao ber oga ir a lain cin fair. Mas og fir  
aithrine beaf tar banaparó, ir let a cinuis fair; lan imorru  
tar farugao. Cach cin do dena ría techt éuice ir a lan fair  
ar a leuiga, ocur comarlegadó, ocur uicug; ina leuiga ocur  
comarlegadó nama, ir a let éin fair. Ir e a erocuiré, in cin  
nama fair; ir e a erocuiré, in cin ocur in rmaét for in ti  
aga tá.

### Cach innurbut anfoluid.

.1. nochan iat a orochfolaid fein innurbut hí. Mar co  
hinnoiligtec no legeo in cet munnter noch a oligcur da mac a  
gairé do denum co ti aithir rirg, no galuir, no enuó.

Fil re macu i nupó coir,  
La cach rruithe, la gac reanoir,  
Do ruir in tδencura moir,  
Do na olig athair anóir:

<sup>1</sup> *Unawares*.—‘Banapadh’ occurs, when a man is proclaimed, and the friend  
who entertains him does not know it.

<sup>2</sup> *Proclamation*.—‘Ban-apadh’ literally ‘white-notice,’ is explained in O’D. 969,  
to be, ‘feeding and sheltering the proclaimed person, before he has committed the  
crime;’ feeding and sheltering him after he had committed the crime was called  
‘derg-apadh,’ literally ‘red-notice.’

Five 'seds' is the fine upon a person who entertains a fugitive who is known. CUSTOM-ARY LAW.

That is, six 'seds' is the extent of the fine for entertaining a proclaimed person unawares<sup>1</sup> according to the Fenechus, i.e. six cows are claimed *as fine* for entertaining a proclaimed person<sup>a</sup> in the 'Cain Fuithribhe'-law; and the five 'seds' in the Sencus Mor, i.e. three cows go to each 'eric'-fine of them, and this is for entertaining a party fit for action; but one cow if they are not fit for action, i.e. similar to what is in the 'cain'-law, viz., six ounces if they (*the persons entertained*) be fit for action, and two ounces if they be not fit for action.

As to every crime which he (*the person entertained*) shall commit notwithstanding 'bán-apadh'-proclamation,<sup>a</sup> while with the tribe-man, the third of the fine shall be upon him (*the tribe-man*). If he is with him in violation of law his full crime shall be upon him (*the tribe-man*). If he (*the proclaimed person*) be entertained by<sup>a</sup> a man of another tribe while under 'bán-apadh'-proclamation, half of the fine for his crime shall be upon him *who entertains*; but full crime is committed if he be entertained in violation of law. Of every crime which he commits before coming to him the full fine shall be upon him *who entertains*, for supporting, counselling, and sheltering him; and for supporting and counselling him only, half his crime shall be upon him (*the entertainer*). The leniency of the law in this case is, that he (*the entertainer*) bears his crime only; its severity is, that the crime and the 'smacht'-fine fall on the person with whom he is.

Every putting away of a woman for disqualification.

That is, they are not her own bad qualities that cause her to be put away. If the first wife was unlawfully put away, her son is not bound to maintain her until the arrival of the time of her decrepitude, or disease, or 'enudha'-pledge.<sup>3</sup>

There are six sons in proper order,

In the opinion of<sup>a</sup> every learned, every senior,

According to the 'Sencus Mór,'

Who are not bound to honor their fathers;

<sup>3</sup> Or 'enudha'-pledge.—The text is defective here; hence the passage is very obscure. In C. 834, the term 'enota' occurs, and is glossed "in fell denma artpge, act n1 carbpe in fine, i.e. the pledge for repentance, but the family will not give it."

Mac céit muinntire, mac builg,  
Mac craburó cin uair niumuiró,  
Mac dia tabuir maircair glé,  
Mac cin tigr, mac i ndaire.

Ácht ma raéuille cleirceét no enuóa.

.1. ácht aní uréuille a cleirceét .i. gac do denum, do no comuile feola a corpur. No enuóa .i. enfeo .i. feo óin ar anáinne; no una rouó .i. rouó o un can cinuiró; no aenfeó i nóé, no oéa neóin, no aet uad i noe na óingne arir; no nochá mbi aige ní beúigur in taen, no in ten do biaó; óligtur an tathair don mac i rannóu.

Mac dia tabuir aithir rannmaircúir.

.1. ní ra fectuib do beir in tathuir do gac mac do aithirín, no faguib cin fectú, nochá óligtur deirde gaire in athuir do denum, co ti aithirín rirg no enfóu.

Mac fonauguib aithirín cin orba.

.1. ina cinuir inoetbire fein, in athuir, do chuair an fearunn anirain; ocu ní hinnóligchech don mac cin co deirne in gaire aithiríne, co haimirín rirg no galuir, no eonóa, uair damá ina cirtaib deitbire dechrao do deirne a gaire; no gemaó cin inoetbire, damáó a cin inbleoguin do dechraó, do déirne a gaire.

Mac fonauguib aithirín i ndaire do plait.

.1. i ndaire celrine, no a ndairmainchi.

Ma no faguib in tathuir cíf doerairgillecta ar in mac do plait, no deacluir ar in fearunn do neoch na roibe air corrairta ar cinn an athuir, no ma no fagaib fein fech inoetbire eile, nochá óligtur don mac in tathuir do gaire co ti aithirín rirg no galuir no eonóa.

<sup>1</sup> *The bird.*—The Irish word for bird and that for the number one, are sounded alike.



The son of a first wife, a 'macbuilg'-son,  
The son of a religious without an hour for his order,  
A son for whom he (*his father*) harbours pure hatred,  
A son without land, a son in bondage.

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But what clerkship forbids, or 'enudha'-pledge.

That is, except what clerkship prohibits, i.e. to commit theft or to eat meat in Lent. Or 'enudha'-pledge, i.e. 'enshed,' one 'sed,' i.e. 'sed-oin,' a 'sed' of one, (*a cow that may be detained one day*) in his debility; or 'una-soudh,' i.e. returning from washing without crime, or one 'sed' per day, or from noon forward, or an oath from him by God that he will not do it again; or he has not as much of food as feeds the one person, or the bird; it behoves the son to maintain the father in this case.

A son to whom the father bears peculiar hatred.

That is, the father gives a portion of his 'seds' to every of his sons in this case, *except one whom* he has left without 'seds'; he (*the son*) is not bound to maintain the father, until the arrival of the time of his decrepitude, or 'enshod'-pledge.

A son whom his father has left without land.

That is, the land has passed away for his, the father's own liability in this case; and it is not unlawful for the son, that he does not perform the maintenance in this case, until the time of decrepitude or disease, or 'eonudh'-pledge, for if it were for his (*the father's*) necessary liabilities they (*the lands*) had passed away, his maintenance should be performed; or if it were an unnecessary liability, if they had passed away for the liability of a kinsman, his maintenance should be performed.

A son whom his father has left in bondage to a chief.

That is, as a 'daer'-stock tenant, or a 'daer'-stock tenant of church lands.

If the father has left a rent of 'daer'-stock tenancy to a chief upon the son, or to a church for the land, *a rent* which was not as yet upon it *when it came to the father, and which was*, owing to the father's liabilities, or if he has left other unnecessary debts, the son is not bound to maintain the father until the arrival of the time of his decrepitude or disease or 'eonudha'-pledge.

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ARY LAW.

Ácht munaí tairis in tathuir romuine cuise amuis; ocuī ma ro tairis, cū bec ro tairis, īr airium imrīnn iur in romuine ro tairis, ocuī in romuine cūra no riach ro fasuib ar in mac.

Cemad é luḁa iní do beia in tathuir amuich ina aní tuis amach, o do beia ní amuich denatā a ḁairne. Ocuī feruinn ro tairisuirtur in tathuir cuise amuis ainnirín, uair a uoir, ar a rruithe robartan in athuir.

In uaine ro breguirtur in mac o ḁairne a athuir, no ro breguirtur in fer fine o ḁligeo coruira fine, aithḁin ḁuimuirḁ uic do re athuir no re fine, ocuī icuīḁ re lairriach in cinuio ina ro uithuirtur é, ocuī cach cinuīḁ do dena no ḁo ti re ḁligeo; ocuī ḁemaḁ eḁ buo aīl lair a tironucal fein īr in cinuīḁ rin, nochā tironuicpe, uair īr uiciuḁ iar nḁenum cinuio ime; ocuī in cin do rinne aise iar na uicin, ina roḁa ro ma tar ine tironuigfer inn, no in fetu do beia tar a ceann.

Már ar uaiḁin a ḁairte ruḁ ler e, einuclunn uic rer buḁein ocuī einuclunn uic re fine, ocuī a toraḁtuin féin; ocuī muna tora, coirpoirne ocuī einuclunn uic re fine.

Ilinneḁe inepaḁar o ecluīḁ buuuiḁ

.1. inneḁe uetbirne inro o eagluīḁ uī aḁaile do tpebuīḁ neaḁuīlriḁ.

Rīl reḁt ninnepḁe in ḁaḁ ré,  
O ecluīḁ incáiruḁte;  
Meath, cin, núna, uicīḁ uē  
Mac buīḁ, roḁluim, elīḁre.

In tan tiasar ī ninnepḁe uetbirne on eagluīḁ buuuiḁ, ocuī at-baīl in rin oc annoir, ocuī fasuib comariba, īt uā tḁian a

<sup>1</sup> 'Sobartan'-compensation.—'Sobartan' is thus glossed in C. 2,888, "ro a riare, .i. a riare maī, ut erit a robartan uile lair in rlos co tḁiam," good his (or their) 'raide,' his (or their) good 'raide,' as it is, their entire 'sobartan' with the host, until we come.' It seems to mean some kind of compensation or payment. 'Raide' is perhaps from the verb 'radaim,' I give.

<sup>2</sup> Desertions.—In C. 834, the following gloss on this passage occurs,

But *this is the case* unless the father has acquired property outside *the territory*; and if he has, be it ever so small, there is a calculation of the division *to be made* between the property which he acquired, and the debts of rent or *other* debts which he left upon the son.

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Though what the father has acquired outside *the territory* be smaller than what he gave out, as he has acquired anything outside let him be maintained. And it was land that the father acquired outside in this case, for it (*the law*) says, from his dignity came the 'sobartan'-compensation of the father.

The person who has seduced the son from maintaining his father, or who has seduced the tribe-man from the law of the 'corus-fine,' shall make restitution in act to the father or to the tribe; and he (*the seducer*) shall pay the full fine for the crime in which he sheltered him, and every crime which he (*the sheltered person*) commits until he returns to law; and if he (*the shelterer*) prefer to deliver *the criminal* himself for that crime, he shall not do so, for he is guilty of sheltering after the commission of crime; and as to the crime which he (*the sheltered person*) committed *while* with him after sheltering him, he (*the shelterer*) has his choice whether he will deliver him up for it, or give 'seds' to pay for him.

If it was for the sake of stealing (*kidnapping*) him he took him with him, he shall pay honor-price to himself, and honor-price to the tribe, and return him (*the stolen person*); and unless he return him he shall pay body-fine and honor-price to his tribe.

Many desertions<sup>2</sup> are made from an original church.

That is, these are necessary desertions of one church for another by ecclesiastical tribes.

There are seven desertions in each time,  
From a church, which are excusable;  
By failure, crime, famine, landless man,  
A 'Macbuilg'-son, learning, pilgrimage.

When necessary desertion takes place from the original church, and he (*the person who deserts*), dies at an 'annoit'-church,<sup>3</sup> and

"ἡ ἀποστασία ἡ ἐκείνη αὐτῶν ἀπὸ τοῦ ἐκείνου τοῦ ἐκείνου. Desertion takes place, i.e. her monks go away from her, for they do not value their condition as monks."

<sup>2</sup> "Annoit-church."—That is, the church in which the patron saint was educated, or in which his reliques were kept. In C. 122, the word is glossed, "Ἐκείνη τοῦ ἐκείνου αὐτῶν ἐκείνη: a church which precedes another is a head and is earlier." Elsewhere it is otherwise glossed, in accordance with the first explanation.

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ceannaisge do eaglais bunuio, ocus trian do annoit. Ocus cet a comairba in fir fin o annoit co compairche in inneirge dechbire, ocus acbaill aruioza, ocus faguib comorba, it da trian do eaglais bunuio ocus trian do compairche beor; ocus ce ter a comorba co heaglais eile, ir hi nann in ro bias fair dia eaglais bunuio beor, co roib trian in aen eaglais oib. Ocus dia roib dia in aen eaglais oib, ocus cet in tref fer co heaglais aile, cio beiriuir eaglais bunuio ar in fer degnuch ro da trian ceannaisge nuz ir in cet fer, ocus let ir in fir cānuir, in let no in trian ir in fir ro; dicunt aili comat let, quoto ueriuir eir; dicunt aili comat trian.

Dia roib a reanachuir i nannoit ocus a achuir in atharac annoit, dia timna a adnucal la achuir in aen eaglais, adnucal. Muna timna, ir cianachuir eadruio.

### Ma ropae neach cinuid naincear no etge.

.1. in gueth do bher na lairua uada.

No etge .i. inuair do tuirim uada.

Treoe uilrizar in manuch ro; cin dechbire ocus in dechbire neagala, ocus bith cin fine, ar dia mbe fine ir ropae eadruio.

Ina manach gill do bar, ir uiluar ar dechmuio on aircinnach ro lóg cin fuarlugao. Mara rona ropolach, ir uiluar ar .l. no rru nō naircinnach eile munab iat ro lóg. Dia comuilege in eaglais fir lair, ir da trian in tref fin do eaglais bunuio on manac péin, ocus a let on mac, ocus cin m on tref fir; no ir lair in eaglais bunuio in fir feo aile, ac ir fir cneanur-rom iat na tabuirt i ngeall.

Ir fair aia in cohoruail feo .i. a trian do bunao ocus a

<sup>1</sup> 'Ceannaishe'-goods, vid. note 2, p. 32.

<sup>2</sup> 'Compairche'-church.—A church in the same parish, i.e. any church under the name and tutelage of the original saint.

<sup>3</sup> Inadvertence.—The MS. is defective here.



has left an heir, two-thirds of his 'ceannaighe'-goods<sup>1</sup> are *due* to the original church, and one-third to the 'annoit'-church. And the heir of this man goes away from the 'annoit'-church to a 'com-pairche'-church<sup>2</sup> by necessary desertion, and he dies there, leaving an heir, two-thirds of his *ceannaighe* goods are *due* to the original church and one-third to the 'compairche'-church still; and though his heir may go to another church, this is the division that will be *due* from him to his original church still, until three *generations* of them (*his descendants*) shall have been at one church. And if two *generations* of them have been at one church, and the third man in *descent* goes to another church, still the original church will get from this last man the two-thirds which it got of 'caennaighe'-goods from the first man, and one-half from the second man, and one-half or one-third from this *third* man; some *lawyers* say that it is one-half, which is more correct; others say that it is one-third.

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If his grandfather was *buried* in an 'annoit'-church and his father in a different 'annoit'-church, if he has willed (*ordered by his last will and testament*) to be buried in the same church with his father, let him be *there* buried. If he has not willed it, lots shall be cast between them (*the churches*).

If one has committed a crime unintentionally or by inadvertence.<sup>3</sup>

That is, a case wherein the wind carried the flame from him.

Or by inadvertence, i.e. the spark fell from him.

Three things render this tenant of church lands forfeit; necessary and unnecessary ecclesiastical liabilities, and to be without a tribe, for if he had a tribe it is on them it (*the fine*) would be levied.

If he be a tenant of church lands who is a pledge unto death, he is forfeited in ten days from the Herenach who left him unransomed. If he be prosperous and wealthy, he shall be forfeited in fifty *days*, or in the time of other Herenachs, unless it was they that left him *unransomed*. If the church advise *that land be given* with him, the two-thirds of that land are due from the tenant of church lands himself to an original church, and one-half from the son, but nothing from the third man (*generation*); or (*in the opinion of others*), all this land belongs to the original church, but it was land that he purchased after he had been given in pledge.

It is of it (*the land so purchased*) that the following partition is

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τρίαν το γρúchnum, οὐρ ἰρ λαιρ in τι οὐα τάρom an γεall  
rín a trían naill. Όα τρίαν αρ γύθε don εαγλuir bunuio on  
cet rín, οὐρ let on rín tanuiri. Ιr amluib rín rianntar a imna  
oúρ a uóat̃ oúρ a ceannar̃de oílcheana.

Ξε ινα cin deubire focer̃o a maiñce rri eazluir, do  
ber a tir do.

.1. caé cin deubire do dena uaine, cinmotha marbað, oia  
taruirtur fair, ιr a eiric uat̃a rein co ro docait̃er̃ a innile  
oúρ a tir inn; aní bir fair cin eiric ιr a ic oia rine amuil  
comruinnit̃ cr̃o. Maña taruirtur fair, ιr a ic oia rine iar  
caithium a tire inn, amuil comruinnit̃er̃ cr̃o.

Cl̃o ιr deubiuir̃ ann oúρ cl̃o ιr inñdeubiuir̃?

Ιρε̃o deubiuir̃ ann ciñta añfoit̃ oúρ inñdeubire tor̃buib̃.  
Ιr̃rẽo ιr inñdeubiuir̃ ann ciñta comruite oúρ gín cuillim̃.

Μα marbað deubire, cinmotha .iiii. gona uaine in coruira  
rine, cia taruirtur fair cin co taruirtur, ιr a ic oia rine,  
amuil comruinnit̃ cr̃o; οὐρ icuiõrom cumal ait̃gina, οὐρ  
cuthuma rria mac no rria athuir̃, do na re cumaluib̃ tire.

Cach cin inñdeubire do ñi uaine ιtir̃ marbað oúρ ar̃ail, ιr é  
r̃at̃er̃in inñ oúρ a inñile oúρ a tír.

Μana bé a ic ann, no muna tharuirtur fair, ιr a ic oia  
mac co ro caiter̃ a inñile oúρ a tir inn. Μuna bé a ic ann,  
ιr a ic oia athuir̃ fon coir̃ cet̃na.

Μuna bé a ic ann beor̃, ιr a ic do gac̃ teallach ιr neara do  
co r̃oir̃c a mbe oca, no co ro lair̃ic in cinuib̃.

Ιr aire icur̃ caé teallac̃ ιr neãrom do, uair̃ ιr inñdeubir̃ in  
cin, οὐρ cl̃o inñdeubire in cin, rãuib̃ a tir̃ inñ r̃er̃iu tir̃at̃  
rein, uair̃ nachat̃ e do r̃oñrat̃ in cinuib̃.

<sup>1</sup> *In him.*—If he and his cattle and his land be not sufficient to pay for his crime.

made, i.e. one-third to the owner of the stock, and one-third to those who perform service, and the other third to the person with whom he is in pledge. Two-thirds out of this is due to the original church from the first man (generation), and one-half from the second man (generation). It is in this manner his gifts and bequests and 'ceannaighe'-goods in general are divided.

Though it be for his necessary liability that he gives his property to a church, his land shall be given him.

That is, every crime of necessity which a man commits, except killing, if he be apprehended, he shall pay 'eric'-fine for it himself until his cattle and his land be spent in payment of it; what remains of his crime unpaid for shall be paid by his tribe in such proportions as they divide his property. If he is not apprehended, it shall be paid by his tribe, as they divide his property, after his land has been spent on it (all given away).

What is necessity and what is non-necessity?

Necessity is a crime of inadvertence and unnecessary profit. Non-necessity is intentional crime and such as was not deserved by the injured party.

If it be a case of necessary killing, always excepting the four man-slaughters mentioned in the 'corus fine'-law, whether he (the homicide) is apprehended or not apprehended, it (the 'eric'-fine) is to be paid by his tribe, as they divide his property; and he (when apprehended) shall pay a 'cumhal' in restitution, and as much as a son or a father, of the six 'cumhals' of 'dire'-fine.

As to every crime of non-necessity which a man commits, as well homicide as other crimes, he himself is to be given up for it with his cattle and his land.

If the payment be not in him (in his power), or if he has not been apprehended, it is to be paid by his son until his cattle and his land be spent on it. Unless the payment be in him (in his power), it is to be paid by his father in the same manner.

If the payment be not in him (in his power) either, it is to be paid by each nearest family to him until all they have is spent, or full payment of the crime is made up among them.

The reason that each nearest family to him pays is, because the crime is one of non-necessity, and although the crime is one of non-necessity, their land shall go (be liable) for it before they themselves shall go (be liable) for it, because it was not they (the nearest families) that committed the crime.

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Ní tiasaite flaithe for eagluir.

.1. in mac egluir má e marbtar ann, a coirpoire uirraoair imoiriu dia fine .i. ní beirte flaithe ní do neoch toirmuig cáin.

Cop mic do cill ir díluir don eagluir.

.1. loḡ neimuch ocuṛ feṛt cumula coirpoire ocuṛ feṛt cumula rmaṛta do eagluir uairil; loḡ neimuch ocuṛ feṛt cumula coirpoire ocuṛ leṛ feṛt cumula rmaṛta do eagluir leṛoire, ocuṛ ir o cuicci amach inn rin. Cop do cill, laime-ineclunn don eagluir dia curthar, ocuṛ lan coirpoire ruirne co ceann feṛtmuine; feṛt cumula do eagluir uairil, ocuṛ leṛ feṛt cumul do eagluir iril a rmaṛt dia mbe cáin, no dia troirce eagluir im cáin; ocuṛ cumul dia eagluir fein ma uairil, ocuṛ cumul eile dia ní ar a cur rsochu, ocuṛ trian loḡ eimueh dia eagluir fein ut aile vicunt; loḡ nalturuma dono ocuṛ eimueclunn ocuṛ a tir lair tin don eagluir dia curthar muna ruarluicteṛ vi.

Ma a neagluir anunn fo ceirtur cuna marb mci cin fir, ir lain eimeclunn ocuṛ lan rmaṛt don eagluir; maṛ i raithe, leṛ rmaṛt ocuṛ leṛ eimeclunn. Mar ir nacha mbiaṛthad, iar fir, comar coirpoire no eimeclunn no uilíatuirde.

Uinnge forceatuil deoda.

.1. dia toircteṛ dia eagluir fein dia forceatuil, ocuṛ biche iar noia innte, ocuṛ ní gaib, ir díluir uaithe vi eagluir noṛnail co no ica eagluir bunuir loḡ a leiginn; ocuṛ beirid a cur ture o fine; ocuṛ gaibid arṛaine oc in eagluir cur a tigh, ir in cuiceo luḡ.

<sup>1</sup> *The removing.*—Removing a young man so as to prevent his being ordained after the church had obtained him fairly, and educated him wholly or in part.



Chieftains shall not come against\* the church.

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That is, if it be a student for the ministry that is killed, his body-fine according to 'urradhus'-law is *to be paid* to his tribe i.e. *lay* chiefs shall not obtain anything of what the 'cain'-law adds to the body-fine.

\* Ir. on.

The removing<sup>1</sup> of a son from a 'cill'-church incurs forfeiture to the church.

That is, honor-price and seven 'cumhals' of body-fine and seven 'cumhals' of 'smacht'-fine *are due* to a noble church; honor-price and seven 'cumhals' of body-fine and half seven 'cumhals' of 'smacht'-fine to a church entitled to half 'dire'-fine, and it is from five days out these *are to be paid*. As to taking away a son from a 'cill'-church, full honor-price is due to the church from which he is taken, and full body-fine is due to her to the end of a week; seven 'cumhals' to a noble church, and half seven 'cumhals' to an humble church for 'smacht'-fine if there be 'cain'-law, or if a church fast in order to get\* 'cain'-law; and a 'cumhal' to his own church if it be noble, and another 'cumhal' to his king for the removal of him without him (*his knowledge*), and one-third of honor-price to his own church as others say; the price of his fosterage also and honor-price and his land moreover along with himself *are due* to the church from which he is taken unless he is ransomed from her.

\* Ir. for.

If he is sent into a church at a distance and dies there without knowledge of his death, full honor-price and full 'smacht'-fine are due to the church; if he is sent into a green, half 'smacht'-fine and half honor-price *are due*. If it was it (*the church*) that did not feed him, after knowledge of his hunger, it will be body-fine or honor-price or full fines and costs\* that will be due.

\* Ir. en-  
tirety.

The ounce for divine instruction.

That is, if he (*the son to be educated for the ministry*) has been offered to his own church for instruction, and for being in the service of God\* therein, and she did not receive him, and he then is educated in another church, he is forfeited by her (*his own church*) to the church that has educated him until his original church pay the price of his education; and if she does not, he shall obtain his share of the land from the tribe; and he takes the abbacy at the church to which he comes, in the fifth place.

\* Ir. after  
God.

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Μῦνα τοιρξε α αθαιρ τια εαγλuir ρειν, ιρ ιν ταθαιρ ιευρ  
λοξ α λογιρν. Μῦνα βεττερ ιαρ ητια ιρ ιν εαγλuir, ιρ τια τριαπ  
να ριαχ ιευρ ιν ταθαιρ, ουρ τριαπ ιευρ εαγλuir, αρ αρρεθ  
οιγβαρ αιρε το manach ιννερξε δετβιρε.

Μαθ αιλιτηριuch βειριυρ α ανμεαρια ραιρ.

.1. μαθ ηι βειριυρ α ανμεαρια αρ ουλ ιν αιλιτρε ιαρ ριηγαλ  
νο ουιμεταρξε. Μα ιαρ comairlegar τια εαγλuir ρειν τερ ιν  
αιλιτρε, cia ραγβαιθ ceannairde cin co ραγβα, ιρ υιλιυρ τον  
εαγλuir ευρ α τετ, cio μορ ραγβαρ οιτε. Μῦναυ α comairle-  
gar ιμουρπο τον ci, ιρ α ceannairde τια εαγλuir buhairθ, τια mbe  
oga.

Εαcliυρ ριue epłuma.

.1. ριue epłoma γεβυρ ιν εαγλuir cein βερ ταννα αραιθ το  
ριue epłuma; cin co ροιβε αετ ραιlmceatliuo υιβ, ιρ ιατ βειριυρ  
ιν αρβαιue.

Cach υαιρ να υιβ, ιρ α ταβαιρε υριue γριu, no co ροιβ ταννα  
αραιθ υριue epłuma; ουρ ο βιαρ, ιρ α ταβαιρε το μαγα ρερρ ε  
ιua ιν ταβ ρο γαβ ηι υριue γριu. Μῦνα ρερρ, ιρ ιαρηua ρε.

Μῦνα ταμic ταννα αραιθ υριue epłoma, na γριuιu, ιu  
αρβαιue το ταβαιρε υριue manach no co ροιβ ταννα αραιθ  
υριue epłoma, no γριuιu; ουρ ο βιαρ, ιnxe ma ρερρ.

<sup>1</sup> *Abbacy.*—When the 'ριue epłuma,' i.e. the tribe of the patron saint is not  
qualified, the 'ριue γριuιu,' i.e. the tribe of the original grantor of the land, may  
supply an abbot.

If his father does not offer *him* to his own church, it is the father that shall pay the expense of his education. If they be not in the service of God\* in the church, the father shall pay two-thirds of the debts, and the church shall pay one-third, for this *condition* is what lessens in her case the fine for the 'manach'-person *whose case is one* of necessary desertion.

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\*Ir. after  
God.

If it be pilgrimage that his soul's friend has enjoined upon him.

If his soul's friend has enjoined upon him to go on a pilgrimage after *his having committed* the murder of a tribeman or murder with concealment of the body. If it be after consulting his own church that he has gone on a pilgrimage, whether he has left 'ceannaithe'-goods or not, whatever he leaves to the church to which he goes, be it ever so much, is due to it. If, however, he has not consulted with it (*his own church*), his 'ceannaithe'-goods, if he has any, are *due* to his original church.

### The church of the tribe of the patron saint.

That is, the tribe of the patron saint shall succeed to\* the church as long as there shall be a person fit to be an abbot of the *said* tribe of the patron saint; even though there should be but a psalm-singer of them, it is he\* that will obtain the abbacy.<sup>1</sup>

\*Ir. get.

\*Ir. they.

Whenever there is not *one of that tribe fit to be an abbot*, it (*the abbacy*) is to be given to the tribe to whom the land belongs, until a person fit to be an abbot, of the tribe of the patron saint, shall be *qualified*; and when he is, it (*the abbacy*) is to be given to him, if he be better than the abbot of the tribe to whom the land belongs, *and* who has taken it. If he (*the former*) is not better, it is only in his turn *he shall succeed*.

If a person fit to be an abbot has not come of the tribe of the patron saint, or of the tribe to whom the land belongs, the abbacy *is* to be given to *one of* the 'fine-manach'-class until a person fit to be an abbot, of the tribe of the patron saint, or of the tribe to whom the land belongs, should be *qualified*; and when there is *such a person*, the abbacy *is to be given to him* in case he is better.

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Muna tainic damna apairé b'píne epluma, no griaín, no manuch, annóit do gabail ír in cechruimhac luc; dalta da gabail ír in cuicéó lúg; compairche da gabail írin fíoréó luc; ceall comproguir da gabail ír in fíeéctmao lúg.

Muna tainig damna apairé in inuio do na fíeéct nínusuib rín, deoruib de dá gabail ír in fíeéctmao lúg. Muna tainic damna apairé b'píne epluma, na griaín, na manuch an amecht, ocur iníne ag annóit, no ag dalta, no ag compairche, no a ceall comproguir, no ag deoruib dé, ír a tabuirt b'píne epluma, uair ír ar neimní beé damna apairé uídeuige. In apairé uaduib.

Écluir fíne griaín ocur eagluir fíne epluma ocur griaín imale.

.1. fíne griaín gairuib in eagluir .1. aen fíne fíne epluma ocur griaín in rín, ocur ar a fearunn fíne ata in ceplum ann :

Eplum, griaín, manuch mún,  
Eagluir dalta co nglan b'pí,  
Compairche ocur deoruib dé,  
Uaduib gabuir apóaine.

Cach aen uib rín gabuir apóaine, cinmotha fíne epluma, ocur

<sup>1</sup> 'Annoit'-church shall assume it, i.e. the mother of this church, i.e. the church in which its patron saint had been educated, shall then appoint an abbot of its own clergy. 'Bennchor' was the mother of a great number of churches; and so was 'Clonard.' Dr. O'Donovan suggests 'con parochia,' as a derivation for 'com-pairche,' and says it meant any church under the name and tutelage of the original saint, i.e. the founder of the original church.

\* *Tribe*.—In this case the patron saint had built his church on his own land, and endowed it with his own land, and therefore the tribe of the patron saint, and the tribe of the original grantor of the land were one and the same.

\* *Every one of these*.—In O'D. 554, 555, &c., the following account of the succession to the abbacy is given:—When there is not a person fit to be an abbot of the tribe of the patron saint (*original founder*) one is then sought from the tribe of the original grantor of the land, *who is to succeed* until such time as there should be one of the tribe of the patron saint; but the man in power (*ruling abbot*), who happens to be there, *being* of the tribe to whom the land belongs, cannot be removed unless he has been expelled *for his wickedness*, or has been disqualified by his evil



If a person fit to be an abbot has not come of the tribe of the patron saint, or of the tribe of the *grantor* of the land, or of the 'manach'-class, the 'annoit'-church<sup>1</sup> shall receive it, in the fourth place; a 'dalta'-church shall receive it in the fifth place; a 'com-pairche'-church shall obtain it in the sixth place; a neighbouring 'cill'-church shall obtain it in the seventh place.

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If a person fit to be an abbot has not come in any of these seven places, a pilgrim may assume it in the eighth place. If a person fit to be an abbot has not arisen of the tribe of the patron saint, or of the tribe to whom the land belongs, or of the 'manach'-class together, while the wealth of the abbacy is with an 'annoit'-church, or a 'dalta'-church, or a 'compairche'-church, or a neighbouring 'cill'-church, or a pilgrim, it (*the wealth*) must be given to the tribe of the patron saint, for one of them fit to be an abbot goes *then* for nothing. The abbacy *shall be taken* from them.

When it is a church of the tribe to whom the land belongs, and a church of the tribe of the patron saint and of the tribe to whom the land belongs at the same time.

That is, the tribe to whom the land belongs succeeds to the church, i.e. the tribe of the patron saint and *the tribe* to whom the land belongs are one *and the same tribe*<sup>2</sup> in this case, and the patron saint is on his own land.

The patron saint, the land, mild monk,  
The 'annoit'-church, the 'dalta'-church of fine vigour,  
The 'compairche'-church and the pilgrim,  
By them is the abbacy assumed (*in their relative order*).

Every one of these<sup>3</sup> who assume the abbacy, except the tribe of

deeds, or the person (*the new aspirant*) upon whom it is cast is worthier, for a junior often takes it from a senior. "Qualification is older than age." It is open to the tribe of the patron saint until they forfeit their privilege by *neglect during the time of prescription*.<sup>\*</sup> When a person fit to be an abbot is not to be found of the tribe of the patron saint or of the tribe to whom the land belongs, before their privilege is lost by prescription, then one is to be sought in the 'manach'-class; if there be of them one who is fit, he shall be installed until such time as there shall be one of the tribe of the patron saint, or of the tribe to whom the land belongs; but the abbot who happens to be there shall not be removed unless the person upon whom it is cast (*i.e. the next aspirant*) is worthier; if he is not worthier he shall succeed *only* in his turn. Ignorant and deformed persons are unqualified, and every one is estimated according to his dignity, the dignity is according to his grade, the grade of each according to his service, the service of each according to

<sup>\*</sup> C. 834, adds—"The 'fine erlama' forfeit their prerogative if they remain too long without seeking their right, i.e. if it extends to prescription."

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### Ceall comcaroluis commait.

.1. comcarol log im ceann cille .i. ceall beir cuma a cill fein doibrim a ngeall firi gac ninnoligeo ter fuirne co n-óech for a fecte. In deoruid de imorru a oibato ríde uile don eagluir, ocur noch a legtur i ceann cille é no co n-óeachaí ír in óctmaí luis, ocur co ragbail cill buí commait ne ceann cille tall, ocur ne mancuid amuig, ár faemur in cutruma nollige do gentur neirín cill tall imá cutruma ninnoligeo do denum ríá buíem amuich; ócur oia roib in deoruid de i forrime tall ar in eagluir, atait tiri cumala dec ar fichit uatá, uair noch a nfuil riach forrime o buine in urruur aít o deoruid dé. No cumat a tectugao na heagluir oib rín uatá; ocur tiri gan cunn gan coibne don eagluir, ocur log tiri cumul dec ar fichit uairín ruig leí oá tectugao; ocur a uilí rín uatá.

### Co fecht cumala cacha mór co tiri mairib.

.1. tiri cumula dec ar fichit tíg oib rín, ocur neomuin o deoruid dé; ocur ríat forrime rín, ocur noch a nfuil ríat forrime in urruur aít ma rín, ocur ír é rín ríat forrime ír mo ír in beirí. Secht cumula nama ír e a tiorcar, a tiorcar imurro cuic cumula ocur ceitri fect cumula.

### Ceall iar mbunúó gráin.

.1. cell iarum gabuit fine gráin; ocur briatir eirluma ata ne

*deeds of arms.* And no blind man shall be a chief, i.e. no chieftainship (*leadership*) of the way shall be given to the blind man, or the ignorant man, and no lame man shall be exalted, i.e. no title shall be bestowed upon the lame man, i.e. in election for arms. No exhausted person shall be advanced, i.e. the person who has no substance or juice of strength in him, i.e. or who is without wealth.

<sup>1</sup> *Fine for trespass.* 'Ríach forrime.'—In C. 552, 'Fodraim,' or trespass, is defined to be 'breaking of stakes or fences, and injuring of the 'roidh'-plant and onions, and dirtying the streets and causeways'; and it is observed moreover:

the patron saint, and *the tribe* to which the land belongs, and the 'manach'-class, shall leave all his legacy within *to the church*; or, CUSTOM-  
ARY LAW. according to others, it is the share of the first 'manach'-person that is *due* of each man of them.

A 'cill'-church equally pure and good.

That is, they pay value for the headship of a 'cill'-church, i.e. a 'cill'-church equal to their own *is given* to them in pledge for every illegality which was committed against it until it (*the 'cill'-church*) goes to the true heir. Now the pilgrim's bequest is all *due* to the church, and he is not permitted to become the head of a 'cill'-church unless that he comes in the eighth place, and that he leaves a 'cill'-church as good as the head of a 'cill'-church within, and as the 'manach'-class outside, for he consents *to balance* the amount of illegality which is committed against the 'cill'-church within, against the amount of illegality which is committed by herself outside; and if the pilgrim were guilty of trespass in the church within, *a fine of* thirty-three 'cumhals' is *due* of him, for there is no fine for trespass<sup>1</sup> imposed upon anyone except the pilgrim in 'urrudhas'-law. Or, *according to others*, these are *due* of him for taking lawful possession of the church; and the church had land without amity or covenant of alliance, and he brought with him the value of thirty-three 'cumhals' to take lawful possession of it; and these are forfeited by him.<sup>2</sup>

With seven 'cumhals' every month for three months.

That is, thirty-three 'cumhals' come of them, and *those* before mentioned from the pilgrim; and this is a fine for trespass, and there is no fine for trespass in 'urradhus'-law except this, and this is the greatest fine for trespass in the 'Berla'-laws. The leniency of it (*the law*) is seven 'cumhals,' but the severity is five 'cumhals' and four times seven 'cumhals.'

A 'cill'-church for the original tribe to whom the land belongs.

That is, a 'cill'-church which the tribe to whom the land belongs *exclusively* take possession of; and they (*the tribe to whom the land*

<sup>1</sup> "Thirty-three 'cumhals' is the largest fine for trespass mentioned in the law, i.e. seven is the largest fine for trespass in 'cain'-law, and one 'cumhal' is the smallest. Or if there should be 'smacht'-fine for trespass in 'urradhus'-law, it should be according to the nature of the 'cumhal.'"

<sup>2</sup> *By him.*—He must leave them to the next abbot.

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ARY LAW.

gabail doib ófine grian; no íf a n-óruib do chuaró doib hí cein ber damna apairé doib; íf a gabail don fine ar n-éirí doib inéoch dáda damna apairé .i. comaró fine eirluma; ocus tnebhúire tar cenn fine eirluma, cach uair biaf damna apairé do fine grian, im a hairis doib.

Ácht naó rui for culuó cu fa deoisí na ndéorúid de.

.1. áchtasim no ta áct lium ann co na himpacar hí for culuó ófine eirluma cen tnebhúire no co ndech fa deoisí na ndéorúid de; uair íf tairce riasar in apóinne ófine eirluma cen tnebhúire ina do deorúid de for tnebhúire; ocus íf tairce riasar do na ruid eile hí for tnebhúire na ófine eirluma cen tnebhúire; ocus tairce riasar ófine eirluma for tnebhúire inar do na ruid eile for tnebhúire.

#### Cell manach.

.1. cell manach gabur fine manoch, ocus íf la manchu apóinne do gner cein ber damna apairé doib; ocus gac uair na bia, íf amuil rónaircít fine grian nómúid a fine eirluma a rónarom ófine grian for annoit.

O'D. 554. Ní cuirichur cuairé for gabla [fine man tab-  
rairé dia do neoc doib in tairnradach, áct íf iar feaba  
do goathair ocus do gairter.]

.1. noco cuirter cae uiré in cranncuir for in fine gablaichur o biaf aobur íf ferir ina ceile ann, .i. deirde ar na cuirter in cuairt, ma la haon gabur, no muna be damna napairé cío coitcinn doib, deirde dāna aru cuirter, coitcennur ocus comatbur.

<sup>1</sup> A 'cill-church of monks.—The 'manach,' or monk, so often mentioned in these laws, seems to have been a tenant of church land.

\* Unless God has given it.—C. 835, reads "mana tabra dia .i. tre éocran, unless God has given it, that is, by lot."



*belongs*) have the word of the patron saint for taking it (*the 'cill'-church*); or it came to them by prescription as long as there shall be of them a person fit to be an abbot, *and when there is not, it (the abbacy)* is to be assumed by the tribe that is next to them, which has a person fit to be an abbot, i.e. the tribe of a patron saint; and on the part of the tribe of the patron saint security *is given* that whenever there shall be a person fit to be an abbot of the tribe to which the land belongs, they will restore it (*the abbacy*) to them.

CUSTOM-  
ARY LAW.

But *in case of the tribe of the patron saint not giving security* it does not return back until it comes finally to the pilgrim.

That is, I stipulate or I make a condition here that it shall not return back to the tribe of the patron saint without security until it goes finally to the pilgrim; for the abbacy shall sooner pass to the tribe of the patron saint without security than to the pilgrim with security; and it shall sooner pass to the other tribes upon *their giving* security than to the tribe of the patron saint without security; but it shall sooner pass to the tribe of the patron saint on *their giving* security, than to the other tribes on *their giving* security.

A 'cill'-church of monks.<sup>1</sup>

That is, a 'cill'-church of monks which a tribe of monks hold, and the abbacy shall always belong to the monks as long as there shall be a person of them fit to be an abbot; and whenever there will not be *such*, the case is similar to that before mentioned, i.e. of the tribe to whom the land belongs, binding the tribe of the patron saint by a guaranty to the tribe to whom the land belongs, upon the 'annoit'-church.

The succession shall not devolve upon the branches of the tribe unless God has given<sup>2</sup> it to one *of them* in particular, but he (*the candidate*) shall be rejected and named according to his dignity.

That is, the order of the succession by lot shall not devolve upon the branching tribes when there is a person better than the others, i.e. there are two reasons why the succession does not devolve *upon the branches*, if it be assumed by one, or unless there be a person fit to be an abbot in common among them, there are two reasons why it (*the lot*) is cast—commonness of *claim* and equality of persons fit for the office.\*

\*I.e. equal  
material.

[The last book of the 'Senchus Mór' as preserved in H. 3, 17, ends here, at col. 254, after which three cols. of the MS. are left blank, on which it was apparently intended to transcribe the remainder of the work. This part of the 'Senchus Mór' is perhaps irrecoverably lost. From a brief Gloss most probably belonging to this lost portion of it, and preserved in H. 3, 18, p. 382 (C. 835), it would appear that it treated of fines for stealing or taking by force any kind of property from a church or its termon lands.]

lebar aicle.

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THE BOOK OF AICILL.

## lebar aicle.

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THE BOOK  
OF  
AICILL.  
C. 893.  
C. 893.

Loc don liubur ro Aicill ar aice Temair, ocur  
aimper do aimper Coirpre Lifechair, mic Cormaic,  
ocur pepra do Cormac [budein], ocur tucair a dénma  
caechad [rula] Cormaic do Aengus Gabuaidech, iar  
fuatach ingine Sopair, mic Art Cuirp, do Cellach,  
mac Cormaic. Aisi echta in Aengus Gabuaidech,  
ac dígail gneiri cenitil a tuathairb Luigne, ocur do  
éuaird a tēc mná and ocur at id loim ar eicin and;  
ocur ro ba chora dait, ar in ben, ingen do brathair  
do dígail ar Cellach mac Cormaic na mo biadra ar  
eicin do caitheam; ocur ní ruimenn lebur olc do  
denam fur in mnai; acht do éuaird peime do in-  
raigt na Tempaí ocur iar ruined ngrime ro riacht  
co Tempaig. Ocur geir do Tempaig airm laich do  
breith indte iar ruined ngrime, aét na hairm do  
ecmaicir indte [budein]. Ocur ro gab Aengus in  
cruall Cormaic anuar da healcaing, ocur tuc  
buille di a Cellaí mac Cormaic, cor marburtar  
he; cor ben a heochair dar fuil Cormaic co ro

<sup>1</sup> *Aicill*. The old name of the hill of Skreen near Tara in the county of Meath.

<sup>2</sup> *Temhair*. Now the hill of Tara in Meath, for the history of which see *Petrie's Antiquities of Tara Hill, Transactions of the Royal Irish Academy*, vol. 18.

<sup>3</sup> *Coirpre Lifechair*. He was the son of King Cormac and his successor on the throne of Ireland.

<sup>4</sup> *Aengus Gabhuaidech*. He is sometimes called Aengus Gai-Buaifech, as in C. 893, i.e. of the poisoned spear.



## THE BOOK OF AICILL.

### INTRODUCTION.

THE place of this book is Aicill,<sup>1</sup> close to Tem-  
hair,<sup>2</sup> and its time is the time of Coirpri<sup>3</sup>  
Lifechair son of Cormac, and its author is Cormac,  
and the cause of its having been composed was the  
blinding of the eye of Cormac by Aengus Gabhuaidech,<sup>4</sup>  
after the abduction of the daughter of Sorar,  
son of Art Corb, by Cellach son of Cormac. This  
Aengus Gabhuaidech was a champion<sup>5</sup> who was  
avenging a family quarrel in the territories of  
Luighne,<sup>6</sup> and he went into a woman's house there  
and drank milk in it by force; and the woman said  
"it were better for thee to avenge the daughter  
of thy kinsman upon Cellach son of Cormac than  
to consume my food by force;" and no book men-  
tions that he did *any further* injury to the woman;  
but he went forward towards Temhair and reached  
Temhair after sunset. And it was a prohibited  
thing at Temhair to bring a hero's arms into it after  
sunset; *so no arms could be there* except the arms  
which happened *to be* within itself. And Aengus  
took the ornamented spear of Cormac down from  
its rack, and gave Cellach son of Cormac a blow of  
it, and killed him; and its edge grazed one of Cor-

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AICILL.

<sup>1</sup> *Champion.* This class of champions formed one of the seven grades of a territory, among whose duties it was to avenge family quarrels and insults.

<sup>2</sup> *Luighne.* This means the territory of Luighne, now Leyny in the county of Sligo.

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—

Let éach hé; ocur po den a huplunn a nḡruim  
nechtairne na Tempach aca tairmaris a Cellac, co po  
marburtar he. Ocur ba geir ris co naimim do bit a  
Tempais. Ocur po cuirto Cormac amac dá leiger co  
Aicill ar aic Tempair; ocur po cíte Tempair a  
h-Aicill ocur ní faictea Aicill a Tempair. Ocur tucad  
ris nḡrionn do Cairpri lipechair mac Cormaic;  
c. 895. [ocur gac aincep bneithemhair ticeo cuirto do teigeo  
da iarrairde da athair; conad eo a deirto a athair  
fuir, a mic ara feirer, ocur na bli].

Ocur ir ann rin do risne in leabair ro; ocur ir  
e ir cuir do Cormac and, cach bail aca bla, ocur  
a meic ara feirer; ocur ireo ir cuir do Cintraelar  
cac ni o tha rin amac.

Aicill rin, uch oll do risne Aicell, ingen Cairpri,  
ann a caineo Eirc mic Cairpri, a deirbathar; ocur  
deirneirer air rin :

Ingen Cairpri do roair  
Ir do feidleim noḡroair,  
Do cumair Eirc, aebda in rair,  
Gaet i nḡigail Conculaimn.

No, Aicell, den Eirc mic Cairpri ba marb do  
cumair a rin and ar na marbad do Conall Cernach;  
ocur deirneirer air :

Conall Cernach tuc ceann Eirc  
Re taeb Tempac im trair teir;

<sup>1</sup> *Cuchulainn*. He was one of the heroes of the Craebhrudh or Red Branch, in  
Ulster, in the first century of the Christian era. This verse is quoted from the  
Dinn Senchus of Aicill.

mac's eyes and destroyed it;<sup>a</sup> and in drawing it back out of Cellach its handle struck the chief of the king's household of Temhair in the back and killed him. And it was a prohibited thing that one with a blemish should be king at Temhair. And Cormac was *therefore* sent out to be cured to Aicill close to Temhair; and Temhair could be seen from Aicill, but Aicill could not be seen from Temhair. And the sovereignty of Erin was given to Coirpri Lifechair, son of Cormac; and in every difficult case of judgment that came to him he used to go to ask his father about it; and his father used to say to him "My son that thou mayest know," and *explain to him* "the exemptions."

And it was there (*at Aicill*) this book was composed; and Cormac's part of it is wherever occur *the words* "exemption," and "my son that thou mayest know;" and Cennfaeladh's part is everything from that out.

This Aicill is *derived from* "uch oll," i.e. great lamentation, which Aicell, daughter of Coirpre made there in lamenting her brother Erc, son of Coirpre; as these lines show<sup>a</sup>:—

The daughter of Coirpre died,  
And of the fair formed Feidleim,  
Through grief for Erc, celebrated in verse,  
Who had been slain in revenge for Cuchulainn.<sup>1</sup>

Or *it was* Aicell, the wife of Erc, son of Coirpre, who died of grief for her husband there after he had been killed by Conall Cernach,<sup>2</sup> as these lines show<sup>a</sup>:—

Conall Cernach brought Erc's head  
By the side of Temhair at the third hour;

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<sup>a</sup> Ir. *He became blind of an eye.*

<sup>a</sup> Ir. *A proof thereof.*

<sup>a</sup> Ir. *A proof thereof.*

<sup>2</sup> *Conall Cernach*, i.e. Conall the Victorious; he was the chief of the warriors of the Red Branch early in the first century.

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AICILL.

Ír tpuas in gním do deáir do,  
Óruiréó cruíó uair Aicle!

- C. 894. Ma ro baí ardaire óligeó ann, ír í eiric tucad  
ann rin; acht ma ro bí raerpath ar Maig Órēs  
[rōime] amuil do beirthea raerpath don leir ocur  
daerpath don leir aile, im a leir a raer aicillnecht  
ocur in leir aile í nōaer aicillne.

Mana raibe raerpath orra ior, ír í eiric tucad  
ann rin amuil do biaó a raerpath do leir ocur  
daerpath don leir aile, im a leth a raer aicillne ocur  
in leir aile í nōaer aicillnecht.

- C. 895. Mana na roibe ardaire óligeó ann [ior], ír ceir  
cáich amuil a neir. Ocur do facatur rum in ferann  
ocur do éuatar du der. Ba iat Déiri Ruir Laegaire,  
no Ruir Laigni iat ó rin a le.

- C. 896. A loc ocur a aimreir iar Cormac co nici rin.  
Maó iar Cintraelaó imurro, loc do Daire Luráin,  
ocur aimreir do aimreir Domnaill, mic Aeda, mic  
Ainmirec; ocur peirra do Cintraelaó [mac Oilella],  
ocur tucait a denma a incind dermair do buain a  
cind Cintraelaó iar na rcoltaó a cat Maige raith.

<sup>1</sup> *Magh Breagh*. A large plain situate in the east of ancient Meath.

<sup>2</sup> *The South*. They (i.e. some of the inhabitants of Magh Breagh) went to Leinster, but ultimately settled in Munster, and the king thereof being then at war with king Cormac afforded them protection and gave them lands situated between Lismore and Credan head, to which they transferred the name of Deisi. The barony of Deece, near Tara in Meath, marks their original situation. *Vide* Keating's History of Ireland; and Ogygia, Part III., cap. 69.



Pity the deed that happened by it,  
The breaking of Aicell's proud heart.

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If good law had existed the 'eric'-fine that was paid for this would have been<sup>a</sup> *as follows*; if there had been 'saer'-stock tenancy in Magh Breagh<sup>1</sup> before this time, in such a manner that one half was in 'saer'-stock tenancy and the other half in 'daer'-stock tenancy, the half in 'saer'-stock tenancy should have become as the half in 'daer'-stock tenancy.

If 'saer'-stock tenancy did not exist there at all the 'eric'-fine that was paid in that case *should have operated* as if one half had been *originally* in 'saer'-stock tenancy and the other half in 'daer'-stock tenancy, for one half *would have remained* in 'saer'-stock tenancy and the other half *should have been reduced* to 'daer'-stock tenancy.

If good law did not exist at all, *then it was* "the right of each is according to his strength." And they left the land and went to the South.<sup>2</sup> They have been the Deisi of Port Laeghaire or Port Lairge ever since.

These are the place and time of it (*the book*) as far as regards Cormac. But as regards Cunnfaeladh, its place is Daire-lurain,<sup>3</sup> and its time was the time of Domhnall<sup>4</sup> son of Aedh son of Ainmire; and its author<sup>a</sup> was Cennfaeladh son of Oilell, and the cause of its being composed was, that part of his brain<sup>b</sup> was taken out of Cennfaeladh's head after it had been split in the battle of Magh-rath.

<sup>a</sup> Ir. Person.

<sup>b</sup> Ir. Brain  
of forget-  
fulness.

<sup>3</sup> *Daire-lurain*. Now Derryloran in Tyrone.

<sup>4</sup> *Domhnall*. He was monarch of Ireland in 642 A.D., and fought the battle of Magh Rath (*Moirá*) in that year against Congal Claen, king of Uladh, his foster son. *Vide* the Battle of Magh Rath, edited for the Irish Archaeological Society by Dr. O'Donovan in 1842.

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AICILL.

Teopa buada in catha rin: marom ar Congal  
Clasen ina anfir ne Domnall ina ririnde, ocur  
Suibne Geilt do dul ar gelcaet, ocur a incinn der-  
maic do buain a cinn Cinnraelaio.

C. 896. Ocur noca neba rin ir buaid ann Suibni do dul  
ar gelcaet, aet ar facaib do fcealaib ocur do laibib  
dia eir i nEirinn. Ocur noca neb ir buaid a incinn  
dermaic do buain a cinn Cinnraelaio, aet aneot ro  
facaib da degraia leabaio daia heir i nEirinn. Co  
facaib he da leiger co tech Druicini Tuama Drecain  
[a compac na eir rraide, idir eirib na eir fua].  
Ocur eir fcola do bi ir in baile: fcol leiginn, fcol  
feinecair, ocur fcol filideca. Ocur cae ni do claime-  
rum da iniriri na eir fcol caca lae, do bi do glan  
mebru caea naibde; ocur do cuirium glonraici  
filideca fuitib, ocur do fcuirum iat a lecaib ocur  
i cuibib, ocur ro cuir fceic a caircluibair.

C. 897. Bunuo ocur inde ocur airberc condaia don  
focul ir eitged. Bunuo do aeti in Ebra, et a Hneic,  
etiamlicet a bunuo laicne; deimin dilmain a gaedelg  
[do gaiair.]

A bun iar flaincigi rin ir na ceitri prim deilaib,  
a Hneic, in Ebra, i laicin ocur a gaedilg; ocur

<sup>1</sup> *Falshood.* For 'anfir,' C. 896, reads 'gae.'

<sup>2</sup> *Suibne Gelt.* That is, Sweeny the Lunatic.

<sup>3</sup> *Tuam Drecain.* Now Toomregan in the county Cavan.

<sup>4</sup> *Paper-book.* For 'caircluibair,' C. 896, reads 'caircluibair,' a chalk book.

<sup>5</sup> *Eitged.* The Book of Aicill, the joint work of King Cormac and Cennfaeladh, was called "Bretha Eitged," i.e. judgments of 'Eitged' or "Leabhar na nEitged," i.e. the Book of the 'Eitgeda.' The derivations of the word 'Eitged' given in the text do not appear susceptible of any probable explana-

Three were the reasons of that battle being celebrated :—the defeat of Congal Claen in his falsehood<sup>1</sup> by Domhnall in his truth, and Suibhne Gelt<sup>2</sup> having become mad, and part of his brain<sup>3</sup> having been taken from Cennfaeladh's head.

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AICILL.

<sup>3</sup> Ir. Brain  
of forget-  
fulness.

And Suibhne Gelt's having become mad is not a reason why it (*the battle*) is celebrated, but *it is* because of the *number of* stories and poems he left after him in Erin. And *the fact that* part of his brain<sup>3</sup> was taken from Cennfaeladh's head is not a reason why the battle is celebrated, but *the reason* is the number of well-composed books which he left after him in Erin. And he (*Cennfaeladh*) was brought to be cured to the house of Bricin of Tuam Dreacain<sup>3</sup> at the meeting of the three streets, between the houses of the three professors. And there were three schools in the town :—a school of literature, a school of law, and a school of poetry. And whatever he used to hear rehearsed in the three schools every day, he had by heart every night ; and he put a fine thread of poetry about them, and wrote them on slates and tablets, and transcribed them into a paper book.<sup>4</sup>

The root, meaning, and import of the word 'Eitged'<sup>5</sup> are sought for. Its root is 'aeti' in Hebrew, 'et' in Greek, 'etiamlicet' is its Latin root ; it means 'deimin dilmáin,' *i.e.* certain freedom, in Irish.

Its root when taken in its good sense of exemption is found in the four principal languages, in Greek, in Hebrew, in Latin, and in Irish ; but when taken

tion. It appears to mean anything contrary to what is usual, *contra normam solitam*, which includes the idea of exemption, excess, criminality ; ἀνομία. A distinguished Sanscrit scholar has suggested the Sanscrit, "ati gati," "going over," "transgression," as having possibly some connection with the term.

THE BOOK OF AICILL. 1 nocon agabair iar cinntaigi ac̃t in d̃a mbérlaib namá,  
 1 Laitim ocuf i ñgáedilg; uair cinno, éillim, lairim  
 — Laitneoir, ocuf eitged cin lairim ñgáedilg.

C. 897. [A iñd̃aichmec a hiñde in focail iʃ eitged .i. eitged  
 é no teiged in tan iʃ tpe comraice; no eitged é na  
 teiged in tan iʃ tpe añt̃oc; no eitged .i. é su na tacu  
 aice in tan na hicaṯ ní ocuf no hica ní rir; no  
 eitged .i. é gan a tacu aice in tan no icaṯ ní ocuf  
 ní hica ní rir; no eitged, et coit̃id, coit̃id et, aib̃in  
 uab̃ iʃin cinair. No eitged .i. et coit̃id, coit̃id r̃r̃  
 coit̃id, buille a naṯaig buille. No eitged .i. et ecail  
 ocuf ged gaeth, conair iar̃ a raḡbair gaith ecail  
 a hair̃ber̃t̃ reicheimnair ocuf breicheimnair in libair̃ir̃  
 rir.

C. 898. A dunad rin ocuf a iñd̃aichmec̃.]

C. 898. A air̃ber̃t̃ .i. a eipẽt̃ rir añi naṯ [pollur .i.] r̃coṯ  
 iʃ in focail [budein], co raḡabair añd̃ tpe na tur,  
 amail aca eitged cin, ocuf eitged r̃lan.

C. 900. [D̃a r̃odail d̃eg eitged] aichreḡair añd̃ .i. eitged  
 r̃ia neitged, ocuf eitgead iar̃ neitged, ocuf eitged  
 na neitged, ocuf eitged molb̃taide, ocuf eitged  
 mb̃raṯur, ocuf eitged gñéiteach, ocuf eitged b̃rec  
 ocuf eitged r̃iñd̃, ocuf eitged dub̃.

Eitged r̃ia neitged, cin r̃ia cin, aih̃ũil d̃o r̃igne  
 in t̃aingẽl r̃olur t̃air̃geṯach lucifer: “beit̃id aing̃il  
 neir̃h̃i írum; ní d̃a r̃ig nech uar̃um.”

<sup>1</sup> Twelve. Only nine divisions are given in the text here.



in its sense of criminality, its root is found but in two languages only, Latin and Irish; for 'cinno' is, I corrupt with the Latinist and 'eitged' is crime in Irish.

The analysis of the word 'eitged' from its meaning, i.e. it is an 'eitged' which goes, when it is through design; or it is an 'eitged' which does not go, when it is through inadvertence; or it is an 'eitged' with a return when he pays nothing and something is paid to him; or it is an 'eitged' without a return to him when he pays something and nothing is paid to him; or 'eitged' i.e. 'et-toichid,' suing the flock, i.e. the 'et,' the flock, is got from him for the crime. Or 'eitged' i.e. 'et-foichid,' offence for offence, i.e. blow against blow. Or 'eitged' from 'et,' profit, and 'ged,' wise, a way by which wise men obtain profit by pleading and giving judgment according to this book following.

Such is its origin and its analysis.

Its import, i.e. its true meaning, i.e. that which is not obvious in the word itself, can be found in it through investigation, as 'eitged' *which means* criminal, and 'eitged' *which means* exempt.

There are twelve kinds of 'eitged' considered, as 'eitged' before 'eitged,' and 'eitged' after 'eitged,' and 'eitged' of 'eitgeds,' and praiseworthy 'eitged,' and 'eitged' of words, and 'eitged' of face, and speckled 'eitged,' and white 'eitged,' and black 'eitged.'

'Eitged' before 'eitged,' i.e., crime before crime, such as the light-bearing angel Lucifer committed *when he said* "the angels of heaven shall be under me; no one shall be king over me."

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Ειτγεθ ιαρ νειτγεθ, cin ιαρ cin, amuil do rime Eua  
coraδ in epaino upgarēta do caiteam.

C. 900. Ειτγεθ na νειτγεθ, [cin na cinad], amuil do  
righie in cet duine Adam comcepraougarō do lécu  
priu.

Ειτγεθ molbairde, cin do denam do neoch ar a  
polaird badein riu polaird neich aile.

Ειτγεθ mbriathar, bpat ocyr air ocyr lerainm.

Ειτγεθ gnetech, gnímach coemtech ocyr reilcecht.

C. 900. Ειτγεθ brec, rpe focal fócra, [gnompa gnompa,  
glampa glampa, aepa aepa .i. gnompa immon  
nglar gabail; glampa iman nglaim ndigend; aepa  
im an lan air].

Ειτγεθ rinδ, rinδ in molta.

Ειτγεθ dub, dub na hairpe.

C. 899. Cuin ir aenδa [.i. in comraici]? .i. rir a aenur.

Cuin ir deδa? .i. [rir .i. in comraici] ocyr anrir.

Cuin ir rpeδa? [.i. coirde .i. ó cride, rpe .i. o gin,  
opepe .i. o gnim].

C. 899. [Cuin ir cetharδa? Cetharδa foloinz imarδar;  
arlac, ocyr tolcnugarō, rlapratu, ocyr upcoimδed.  
Arlach òn nachair for Eua, ocyr tolcnug do Eua  
riu, ocyr comcepraδarō do Adam rriu. Slapratu,  
upcoimδed .i. upcoimδed rlaprat do denam doib; a

. 1 *Them.* That is, the angel Lucifer and Eve.

'Eitged' after 'eitged,' *i.e.* crime after crime, such as Eve committed by eating the fruit of the forbidden tree. THE BOOK  
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'Eitged' of 'eitgeds,' *i.e.* crime of crimes, such as the first man Adam committed by giving consent to them.<sup>1</sup>

Praiseworthy 'eitged,' *i.e.* the injury which one commits on his own property rather than on the property of another.

'Eitged' of words, *i.e.*, spying and satirizing and nicknaming.

'Eitged' of face, *i.e.* in aiding in the deed and looking on.

Speckled 'eitged,' *i.e.*, in three words of warning, I will 'grom'-satirize, I will 'grom'-satirize, I will 'glam'-satirize, I will 'glam'-satirize, I will 'aer'-satirize, I will 'aer'-satirize; I will 'grom'-satirize in the satire called 'glasgabhair,' I will 'glam'-satirize in the extempore lampoon, and I will 'aer'-satirize in the full satire.

White 'eitged,' *i.e.*, the white of flattery.

Black 'eitged,' *i.e.*, the blackness of satire.

When is it simple, that is, intention? *i.e.* when there is knowledge only.

When is it double? When there is knowledge, *i.e.* intention, and ignorance.

When is it threefold? That is, when there are thought, and word, and deed.<sup>a</sup>

When is it fourfold? Four things sustain crime; temptation, consent, urging, and boldness of denial. Temptation such as that of Eve by the serpent and Eve's consent to it, and Adam's consent to them. Urging, boldness of denial, *i.e.* a bold denial is made by them, *i.e.* they say that what they had done

<sup>a</sup> Ir. By heart, mouth, act.

THE BOOK OF AICILL. **parb naé cin a deapnatar, ocur fir in cinaiḡ acu do denam.**

Ar ar rin ir pollur o diar fir in cinaiḡ ac buine, ḡin ḡo ruib fir na herce, conad anfir lan riachach.]

c. 900. **Cuin ir cuicé? .1. na cuic cinad buine ní damna mella. [Cin coiri, cin laime, cin rula, cin beoil, cin tenga.]**

**Cuin ir réda? .1. arumitēr [in rēd] cin and [ru], cin cuibre.**

**Cuin irā do dec don cinadach? .1. na da fōdail dec eitḡed.**

c. 899. **Ocht narnaiḡe coitcennā porpētac in teitḡed fōde- glata; [.1. foglaideḡu, ocur deirmipeēt, imcomairc, ocur epcaile .1. lanriac ocur leḡ riac, aithḡin, ocur plan].**

c. 899. **.1. na da fōdail dec eitḡed. Deirmipeēt ari .1. geogain Cuculainn a mac i nānfor [ḡen a fōinḡed do].**

**Imcomairc; catce blaḡ epcaile caé plan caé ruilear? .1. lan riach ir in comairc, ocur leḡriach ir in anfor aithḡin a torba .1. ir in inḡeibḡe torba; rlan a fíreibḡe, inḡeibḡe torba.**

**Coitcenn ocur diler ocur ruilear conḡegar don focul ir eitḡed. Coitcenn do a biḡ a cinaiḡe ocur a rlanḡe, diler do a biḡ a naitḡin, ruilear do a bech a rlanḡi.**

c. 898. **.1. in diúit no in comruibḡe in focul ir eitḡed? Ir comruibḡe [ocur ní diut] amuil caé comru- viugad.**

<sup>1</sup> *Cuchulainn.* The story of Cuchulainn's comba with his son Conlaech is given in O'D. 983. The fine imposed on him for killing his son was paid to Conor



was not a crime, while they knew that they had committed the crime.

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From this it is evident that when a person has a knowledge of the crime, though he had not a knowledge of the 'eric'-fine, that his ignorance is fully finable.

When is it fivefold? That is, "The five crimes of man no cause of happiness." Crime of foot, crime of hand, crime of eye, crime of mouth, crime of tongue.

When is it sixfold? A sixth crime is added to the above, i.e. the crime of conscience.

When is the criminal law twelvefold? The twelve divisions of 'eitged.'

There are eight general kinds embraced in the distributed 'eitged': i.e.—division, and example, question, and explanation, i.e. full fine and half fine, restitution, and exemption.

*Division*, i.e. the twelve divisions of 'eitged.' An example thereof:—Cuchulainn<sup>1</sup> slew his son inadvertently, i.e. without knowing him.

Question; what is the law of safety in every case of safety and in every case of full guilt? That is, full fine for intention, half fine for inadvertence, restitution for profitable work, i.e. for unnecessary profitable work; safety in true necessity, i.e. in necessary profitable work.

The word 'eitged' has a common, a proper, and a peculiar application. It is common in criminality and innocency, proper in restitution, and peculiar in safety.

Is the word 'eitged' simple or compound? It is compound and not simple like every composition.

<sup>1</sup>King of Ulster, his maternal uncle, because Cuchulainn had no paternal family to take the fine for a slain kinsman.

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Fegtar in comruidiugadh o d'ib nogaid, no in comruidiugadh o d'ib nanogaid, no in comruidiugadh o hoig ocu? o anois?

C. 898. I' comruidiugadh o d'ib nogaid, uair o'g do a d'ic a cinaid, ocu o'g do a d'ic a rlainnig; [uair in et uil an' iarr an n' i' eiriamlicet, a bunad laithne, ocu in ged uil an' iarr a n' i' gina, eillini riachaidi .i. iarr a n' comeillitheir corp ocu ainm ac denam cinad].

Gne gneach ocu cenal cenalach aithfegchair ann, cenal ac floided cenal, cenal aca floided buidein; gne ac floided cenail gne. Gne do gneidib in eitged in compairi no in tairp, no in torba no in terba, co ngnidib fuibib reic, na da fodaib dec eitged. Cenal cenalach, cenal in eitged co cenalib pai. Compairi ocu an'p, torba ocu eppa co ngnidib fuibib, na da fodaib dec eitged, ac' i' gne a let' p' in eitged he in compairi, i' cenal a let' p' na da fodaib dec.

Congabair eapruid' ocu gne ocu cenal doib amlaid rin; uair rubailteppum genar cenal rubailteppa ac airneir do n' reime ocu do n' na degen.

In n' nac' gne ocu nach cenal ac floided cenal noco nuil i'p he; no da mbe', comad toirp' ac floided do torba, cenal aca floided buidein, gne ac floided cenail, elguin ac floided compairi. In toirp' ac' noco cenel do na ceirp' cenelaid he, noco gne don da fodaib dec eitged, ac' ainm fuirp' cindte' ap a haid buidein.

Let it be considered whether is it compounded of two perfect *words*, or compounded of two imperfect *words*, or compounded of a perfect and an imperfect *word*.

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It is compounded of two perfect words, for it is perfect for it (*the word*) to be in criminality, and it is perfect for it to be in innocency; for the 'et' which is in it is from 'etiam licet' its Latin root, and the 'ged' which is in it is from 'gina,' a defilement that should be punished, i.e. because body and soul are defiled by committing crimes.

A specific species and a generic genus are considered in it, i.e. genus naming genera, genus naming itself; a species naming a genus *of species* is the *specific* species. One of the species of the 'eitgedh' is the intention or inadvertence, or the profit or the idleness, with species under them, or the twelve divisions of 'eitged.' A generic genus, i.e. the 'eitged' is a genus with genera under it. Intention and inadvertence, profit and idleness with species under them,—the twelve divisions of 'eitged;' i.e. intention is a species with respect to the 'eitged,' it is a genus with respect to the twelve divisions.

There is found in this manner difference and species and genus for them; for subalternate genus is that which treats of a thing above it and of a thing below it.\*

\*Ir. Before  
and after it.

The thing which is not species and which is not genus naming genera does not exist at all; or if it does, it is necessity naming profit, genus naming itself, species naming genus, malice naming intention. The necessity is not a genus of the four genera, it is not a species of the twelve divisions of 'eitged,' but a name imposed determinate for itself.

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Diablaíocht siach sear.

.1. ír ír aithne na tanaíochta a déanam iomráibh, ocur corp d'olaí; no a déanam a pleib no i noisíann, ocur cen corp d'olaí; ocur ní hionúir in tí do ní co naíctar air do seir d'íochta tanaíochta, no imíochta, no siachtaí; no co naíctar na lúí. Ocur ce na tanaí in colann i clá, no i noisí, manar ar d'íochta a polait, noco níl air aít eiric in marbtha nama.

Diablaíocht a lann buíoch o cacht buíoch uile ír in buíochtaí iomráibh, ocur d'íochta, ocur mairbhíochta, ocur d'íochta, ocur fellach.

Maíoch inann buíoch do siach in marbtha ocur in olaí, secht cumala ocur lan enecclann siach ír in olaí; secht cumala ocur lan enecclann siach ír in marbtha; corab d'íochta secht cumala ocur d'íochta enecclann siach o mairbhíochta ír in tanaíochta.

Maíoch siach in mairbhíoch do siach in marbtha ocur in mairbhíoch do siach in olaí, secht cumala ocur lan enecclann siach sear ír in marbtha; cumal ocur lan enecclann siach sear siach ír in olaí, cen tanaíochta colla; ocur ma tanaíochta colann, ír enecclann nama ír in siach. Ír siach in buíoch do siach in marbtha ocur in siach ann siach; no eir inann buíoch, i siach uair do siach íochta. Ocur d'íochta an n'íochta, no mar don marbtha tanaíoch in olaí, noca d'íochta uair aít lan in marbtha.

Maíoch inann fellach mairbhíoch no baí ac seilíoch in marbtha ocur fellach mairbhíoch no baí ac seilíoch in siach, eir siach,

<sup>1</sup> 'Cumhal.' 'Cumhal' is literally a bond-maid. The payment of a 'cumhal' originally implied the actual transfer of a bond-maid in liquidation of a claim; it



Fines are doubled by malice aforethought.<sup>a</sup>

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<sup>a</sup> Ir. Anger.

Secret murder is known by its being committed among neighbours, and by the body being concealed; or by its being committed in a mountain or wild place, without the body being concealed; and the person who has committed it does not tell *it* until it has been fastened upon him according to the law of eyewitness, or proof, or evidence; or, he may acknowledge before swearing. And though he may put the body into a trench, or into water, if it was not for the purpose of concealing it (*the body*) *he did so*, he is liable to the 'eric'-fine for the killing only.

The double of his own full *honor-price is due* of each and every person whether native freeman, stranger, foreigner, 'daer'-man, or looker-on, for the crime of secret murder.

If it was the same person that committed the killing and concealed the body,<sup>b</sup> *a fine of seven 'cumhals'* and full honor-price *is imposed* upon him for the concealing; and *a fine of seven 'cumhals'* and full honor-price *is imposed* upon him for the killing; which is twice seven 'cumhals' and double honor-price upon a native freeman for secret murder.

<sup>b</sup> Ir. *The concealment.*

If it was a different native freeman that committed the killing and concealed the body,<sup>b</sup> *a fine of seven 'cumhals'* and full honor-price *is imposed* upon the man *who killed*, for the killing; and *a fine of a 'cumhal'* and full honor-price upon the person who concealed, for the concealing, when the body has not been found; but if the body be found, honor-price only is *the fine* for the concealing. It was a different person that committed the killing and concealed the body in this case; or though the person was the same, they (*the acts*) were committed at different times. And if it were at the same time *they were committed*, or if the concealing came of the killing, there is *imposed* upon him but full *fine* only for the killing.

If the native freeman who was looking on at the killing, and the native freeman who was looking on at the conceal-

subsequently came to denote the value of a bond-maid, which was estimated at three cows.

THE BOOK OF AMOII. — CIO inano fer marbēa ocuŕ fer polaiŕ, cethruime coirp-  
 uiri, ocuŕ cethruime eneclainni ari i ŕeilleo ceŕtar de.  
 Cen tapraŕtain colla na aithgina rin; ocuŕ ma tapŕeŕ  
 colann no aithgin, na panna atait ar ŕcaŕ colla no  
 aithgena do uil ŕe laŕ; ocuŕ da tapairŕea neŕtar de,  
 ŕo buo ceirŕi cumala ocuŕ leŕ eneclainn; ocuŕ da tap-  
 airŕea iat maraen, ŕo baŕo tŕi cumala ocuŕ leŕ einneclainn.

Maŕa ŕain ŕellach upraŕŕo ŕo bai ac ŕeilleŕ in marbēa  
 ocuŕ ŕellaŕ upraŕŕo ŕo bai ac ŕeilleŕ in polaiŕ, cio ŕain  
 cio inuno fer marbēa ocuŕ fer polaiŕ, cethruime coirp-  
 uiri ocuŕ cethruimi eneclainni ŕor in ŕellaŕ upraŕŕo ŕo  
 bai ac ŕeilleŕ in marbēa. Cen tapraŕtain aithgena;  
 ocuŕ ma tapŕeŕ aithgin, in cuŕpuma ata ar ŕcaŕ aith-  
 gena do uil ŕe laŕ.

Cumal ocuŕ cethruimi eneclainni ŕor in ŕellaŕ upraŕŕo  
 ŕo bai ac ŕeilleŕ in polaiŕ, cen tapraŕtain colla; ocuŕ  
 ma tapŕeŕ colann, iŕ cethruime eneclainne nama.

Iŕ cuŕpuma uil ar upraŕŕo i mbicŕ ac ŕeilleŕ upraŕŕo,  
 ocuŕ deŕpaiŕŕo, ocuŕ muŕŕeuiŕŕi, ocuŕ daŕi; ocuŕ ar deŕ-  
 paiŕŕo i mbicŕ ac ŕeilleŕ upraŕŕo, ocuŕ deŕpaiŕŕo, ocuŕ muŕ-  
 ŕeuiŕŕi, ocuŕ daŕi; ocuŕ ar muŕŕeuiŕŕi i mbicŕ ac ŕeilleŕ  
 upraŕŕo, ocuŕ deŕpaiŕŕo, ocuŕ muŕŕeuiŕŕi, ocuŕ daŕi; ocuŕ  
 ar daŕi i mbicŕ ac ŕeilleŕ upraŕŕo, ocuŕ deŕpaiŕŕo, ocuŕ  
 muŕŕeuiŕŕi, ocuŕ daŕi. Uaiŕ noco ŕo lan ŕiŕ laime icuŕ

ing were the same, whether the person who killed and the person who concealed were different or the same, one-fourth of body-fine and one-fourth of honor-price *is the penalty* upon him for looking-on in either case. This is *the rule* when the body has not been found or compensation *obtained*; but if the body has been found or compensation *obtained*, then the portions which are *due* for the *concealing* of the body or for compensation are to fall to the ground; and if neither of them (*the body or the compensation*) was recovered, it (*the penalty*) would *then* be four 'cumhals' and half honor-price; and if both (*the body and the compensation*) were recovered, it (*the penalty*) would be three 'cumhals' and half honor-price.

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If the native freeman who was looking on at the killing, and the native freeman who was looking on at the concealing were different, whether the person who killed and the person who concealed were different or the same, one-fourth of body-fine and one-fourth of honor-price *is the penalty* upon the native freeman who was looking on at the killing. *This is the case* when compensation has not been recovered; but if compensation has been obtained, the proportion which was *due* for compensation falls to the ground.

A *fine* of a 'cumhal' and one-fourth of honor-price *is imposed* upon the native freeman who was looking on at the concealing, when the body has not been recovered; and if the body has been recovered, it (*the fine*) is a fourth of honor-price only.

There is the same *fine imposed* upon a native freeman for being a looker-on *at the killing* of a native freeman, or of a stranger, or of a foreigner, or of a 'daer'-man; and upon a stranger for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man; and upon a foreigner for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man; and upon a 'daer'-man for being a looker-on *at the killing* of a native freeman, a stranger, a foreigner, or a 'daer'-man. For it is not according to the full *fine due* of the actual killer\* that the

\*Ir. Hand-  
man.

THE BOOK OF AICILL pellac α lan, ac̃t po lan α reillib̃ boðein po aicneð  
 upraið, no ðeoraið, no murcuipẽi, no ðair.

O upraið ata rin, ocur α leð o ðeoraið, ocur α ceth-  
 ruimi o murcuipẽi; ocur noco nuil ní o ðaer cað uar  
 tap̃eup colann; ocur mana tap̃eap colann iur, α polac̃  
 upraið ata in cumal; ocur α ceir̃u pẽctmað α polac̃  
 ðeoraið; ðá pẽctmað ocur in cethruime rann ðec α  
 polac̃ murcuipẽi; α pẽctmað nama α polac̃ ðair.

Mar̃a inann ðaer marb̃eα ocur ðaer polaiξ, cumal  
 air iur in marbað, ocur cumal air iur polac̃. Mar̃a  
 rain ðaer marb̃eα ocur ðaer polaiξ, cumal ar ðaer  
 marb̃eα iur in marbað, pẽctmað na cumail̃e ar ðaer  
 polaiξ, cen tap̃ac̃tain colla; ocur ma tap̃eap colann,  
 C. 2,351. pẽctmað in pẽctmað ino, [no] co na beir̃ nach ní.

Mar̃a inanño pellac̃ ðair po bai ac̃ reilleð in marb̃eα  
 ocur po bai ac̃ reilleð in polaiξ, cið rain, cið inanño ðaer  
 marb̃eα ocur ðaer polaiξ̃i, ða pẽctmað ocur in ceth-  
 ruime rann ðec na cumail̃e por in pellach, uair cen  
 tap̃ac̃tain colla na aith̃gena; ocur ma tap̃eup colann,  
 no aith̃gin, pẽctmað ocur in cethruime rann ðec na  
 cumail̃e uar̃ i reilleð cẽctar ðe; ocur ða tap̃air̃tea  
 nẽctar ðe, po bar̃ ceir̃u pẽctmað na cumail̃e; ocur ðá  
 tap̃air̃tea iat mar̃ aen, po bar̃ tri pẽctmað na cumail̃e.



looker-on pays his full *fine*, but according to the full *fine* for THE BOOK  
his own looking on according to rank, *whether it be that of* OF  
a native freeman, or of a stranger, or of a foreigner, or of a AICILL.  
'daer'-man.

From a native freeman this *amount* is *due*, and the half of it from a stranger, and the fourth of it from a foreigner; but there is nothing *due* from a 'daer'-man whenever the body has been recovered; but if the body be not recovered at all, it is for the concealing of *the body of* a native freeman *the fine of* a 'cumhal' is *due*; and four-sevenths of it (*the 'cumhal'-fine*) for the concealing of *the body of* a stranger; *it is* two-sevenths and one-fourteenth (*of the same*) for the concealing of *the body of* a foreigner; a seventh only for the concealing of *the body of* a 'daer'-man.

If the 'daer'-man who killed and the 'daer'-man who concealed be the same, *the fine of* a 'cumhal' for the killing, and a 'cumhal' for the concealing is *imposed* upon him. If the 'daer'-man who killed and the 'daer'-man who concealed be different, a 'cumhal' *is the fine* upon the 'daer'-man who kills, for the killing, and the seventh of a 'cumhal' upon the 'daer'-man who conceals, *for the concealing*, if the body has not been recovered; but if the body has been recovered, a seventh of the seventh of a 'cumhal' *is the fine* for it (*the concealing*); or, *according to others*, there is nothing (*no penalty for it*).

If the 'daer'-man who was looking on at the killing, and he who was looking on at the concealing of *the body*, were one and the same, whether the 'daer'-man who killed and the 'daer'-man who concealed be the same or not, two-sevenths and one-fourteenth of the 'cumhal' *is the fine* upon the looker-on, when the body has not been recovered or compensation has not been obtained; but if the body has been recovered or compensation has been obtained, a seventh and a fourteenth of the 'cumhal' *is the fine* upon him (*the 'daer'-man*) for looking on in either case; and if neither of them (*the body or compensation*) be recovered, it (*the fine*) then is four-sevenths of the 'cumhal'; and if both be recovered, it (*the fine*) is three-sevenths of the 'cumhal.'

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Μαγα ραιν ρellač θαιρ πο βαί ac ρeilleč in μαρβέα  
ocur ρellač θαιρ πο βαί ac ρeilleč in ρολαιξ, ciθ ραιν,  
ciθ inano θaep μαρβέα ocur θaep ρολαιξ, θa ρεčτματο  
ocur in cethpuime ρann dec na cumailē ρop in ρellač  
nθair πο bi ac ρeilleč in μαρβαθ. Cen παραčταιν αιθ-  
γηα [ριν]; ocur μα ταραιθ αιθγηιν, ρεčτματο ocur in  
cethpuime ρann dec na cumailē. Θa ρεčτματο, ocur  
cethpuime ρann dec ρεčτματο na cumailē ρop in ρellač  
nθair πο bi ac ρeilleč in ρολαιξ, cen παραčταιν colla,  
ocur μά ταρτυρ, cethpuime ρεčτματο, ocur in cethpuime  
ρann dec ρεčτματο in ρεčτματο; no comao ρlan.

- C. 2,351. O θaep uppaič aτα ριν [ριν bρolač]; a cēiρu ρεčτ-  
μαιč ó θaep θεopaič; θa ρεčτματο ocur in cēρuime  
ρann dec o θaep mupcupēa; ocur ρεčτματο in ρεčτματο  
o θaep θαιρ.

Canar a ngabar ρεčτματο in ρεčτματο aτα o θaep θαιρ

- C. 2,351. ριν ρolač, uair nač inθipenn leabar? 1ρ ap [aη]  
C. 2,351. gabar; [uair], ρεčτ cumala aτα o uppaič [ano], ocur ιρ e  
C. 2,351. a ρεčτματο [ρiθe, in cumal] aτα o θaep uppaič, cōιρ aη  
C. 2,351. θeipθeic in cumal aτα [ρop] θaep uppaič ριν ρolač  
cēmuto he ρεčτματο na cumailē θo beč o θaep θαιρ ριν  
ρolač; ocur ιρ e ριν ρεčτματο in ρεčτματο.

1n θuine puair in colann ina ρolač, ačt má πο innoιρ,  
ιρ ρiach ρaiρneipin θo, no cuioξ ρpuēi. Manar innoιρ,  
ιρ ρiach ρeillio uač; no comao ρiač cubup bρaiθh.

- C. 2,352. Má πο ρepao cneč ap in colainn [ριν ρolac], iar  
nécaib, in ταινμραινθe θo coipρoιρi ocur θeneclainn

If the 'daer'-man who was looking on at the killing and the 'daer'-man who was looking on at the concealing were different, whether the 'daer'-man who killed, and the 'daer'-man who concealed were different or the same, two-sevenths and one-fourteenth of the 'cumhal' *is the fine* upon the 'daer'-man who was looking on at the killing. This is when compensation has not been obtained; but if compensation has been obtained, *the fine is* one-seventh and one-fourteenth of the 'cumhal.' Two-sevenths and a fourteenth of a seventh of the 'cumhal' *is the fine* upon the 'daer'-man who was looking on at the concealing, when the body has not been recovered; and if it has been recovered, a fourth of a seventh and a fourteenth of a seventh of a seventh of a 'cumhal' *is the fine*; or, *some say*, that *in this case* he will be exempt from punishment.<sup>a</sup>

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<sup>a</sup> Ir. Free.

This is *the fine due* from the 'daer'-man of a native freeman for the concealing; four-sevenths of it *are due* from the 'daer'-man of a stranger; two-sevenths and one-fourteenth from the 'daer'-man of a foreigner; and a seventh of the seventh from the 'daer'-man of a 'daer'-man.

How is it found out that it is a seventh of the seventh of a 'cumhal' which is *the fine* upon the 'daer'-man of a 'daer'-man for the concealing of the body, as no book mentions it? It is thus inferred: because seven 'cumhals' are *the fine* upon a native freeman for it (*the concealing of the body*), and a seventh of this, *i.e.*, one 'cumhal' is *the fine for the concealing* upon the 'daer'-man of a native freeman, it is fair that it is the seventh of the 'cumhal' which is *the fine* upon the 'daer'-man of a native freeman for concealing, that should be *the fine* upon the 'daer'-man of a 'daer'-man for the concealing; and this is a seventh of the seventh.

As to the person who found the body in its *place of concealment*, if he has told it *at once*, the reward for information, or the share of a finder is *due* to him. If he has not told it (*the finding*), the fine of a looker-on is *due* of him; or, *according to others*, it is the fine for complicity in crime *that is due of him*.

If a wound has been inflicted on the body, in the *act of concealing*, after death, the proportion of body-fine and of

THE BOOK <sup>OF</sup> ~~—~~ <sup>AICILL</sup> po biar do buisein a fepéain eneiui a comaiscenta air  
ina bechais, corab e in tainmpannos rin ber den  
aichgin da eclair bunab .i. uair ir le in colann.

C. 1,390. **Al** meic aia fepirer cenn ruz for aithec, [cenn aiching  
for ruz].

.1. ir anó ir cenó ruz for aithec, in inbair po roglaun  
mac in grait faine cupub grait fecta he, cupub eipoc,  
no cupa fep leiginn, co fuilic fect cumala peinnos do,  
ocur fect cumala eipci.

Ir anó ir cenó aichig for ruz, in inbair tucar a rogla  
eneclann do mac in ruz a bualgur a éochur, no eneclann  
a bualgur a athar ocur a penathar, ocur ir e rogla ruc,  
eneclann do a bualgur a éochura; ocur do éuair fpeir-  
cipith ina tochur, co na fuil aici aét ruz na tui larp;  
larp a fuirir, ocur larp a belá, ocur larp a fribá. Noco  
nuil aét fepapall a hinoracair do mára inorac; ocur  
manab inorac, noca nuil naé ní maní tancatar tair-  
moraisigé cloinir anó iartain do neoch na roibí ann  
reime a lo bpeirí in rogla; ocur ma do ancatar, biar  
eneclann do ar a bualgur.

Mar e rogla ruc eneclann a bualgur a coibvelachar,  
ge etarpcarais in coibvelach ruz, leir eneclann ar in  
fep taréur aici do; uair noco netarpcarann in coib-  
velach ruz do gper.

Mar e rogla ruc eneclann a bualgur a éino, ma po  
rcapurtar in cenn ruz do gper, nocon uil ní do ar a  
bualgur.

<sup>1</sup> Upon a king. The paragraph refers to cases in which the status of one a plebeian by birth is that of a prince, and the status of one a prince by birth is that of a mere plebeian. The word head here is used exactly as is the Latin 'caput.'



honor-price which would be due to himself (*the person killed*), THE BOOK OF AICILL. for the inflicting upon him of a wound of the same nature in his lifetime, is the proportion of compensation that is due to his original church, i.e. because the body belongs to it.

My son, that thou mayest know *when* the head of a king is upon a plebeian, *and* the head of a plebeian upon a king.<sup>1</sup>

That is, the case in which the head of a king is upon a plebeian, is when a son of *a man of* the plebeian grade has learned until he becomes *one* of a septenary grade,<sup>2</sup> i.e., till he becomes a bishop, or a chief professor,<sup>3</sup> so that he is entitled to a fine of seven 'cumhals' of penance, and seven 'cumhals' of 'eric'-fine. \*Ir. Man of learning.

The case in which the head of a plebeian is upon a king, is when he (*on his father's murder*) having, been given his choice of taking honor-price in right of property, or honor-price in right of his father and his grandfather, made choice of honor-price in right of his property; and decay came upon his property, so that he has but the kingship of the three handles—the handle of his flail, the handle of his hatchet, and the handle of his wood-axe. He is *in such case* entitled to but one 'screpall'<sup>3</sup> for his worthiness if he be worthy; and if he be not worthy, he is entitled to nothing unless children have been born to him afterwards which he had not before on the day of making his choice; and if they have *been born*, he has honor-price in right of them.

If the choice he made was to have honor-price in right of his relatives, though the relative should separate from him, he has half honor-price for the man found with him, for the relative does not separate from him for ever.

If the choice he made was to have honor-price in right of his chief, *then* if the chief has parted with him permanently, he has nothing in right of him (*the chief*).

<sup>2</sup> *A septenary grade.* Any grade or degree entitling a person to seven 'cumhals' of 'eric'-fine and to seven 'cumhals' of penance.

<sup>3</sup> *'Screpall.'* A 'screpall' was equal to three 'pingims,' and a 'pingim' of silver weighed eight grains of wheat.

THE BOOK OF AICLE. — Μαγα εταρρεαπατο πε πε, [το ουλ hi] cuicco aile, α  
 pegato ca τοδур uil aic. Μαγα τοδур εταρρεαπαtach uil  
 aic, in cypuma po biao το cona mbeτ ι naen cuicco  
 jur; ιρ α λετ το co na beth α peτταp cuicco.

Μαγα τοδур nemεταρρεαπαtach uil aic, in cypuma po  
 biao το co na beτ ι naen cuicco jur, ιρ α beith το α  
 peτταp cuicco.

C. 2,422. [8ena iap naiciciu] leicηpach la uinou α poudan,  
 C. 2,424. [8i nι depnatap icp.

.1. in pιατ uil von uapa leiτ πε uipe ocup πε enecclann  
 α ηγαιo lui, an cumal α cain, no an αιτγιn α nuηpαουp,  
 8up ab εδ bep πε τaoδ luiθε ιρ in uiaδi pin, 8in 8o  
 noδepnatap in cin, ατ an maθεam amain; uair αιτι-  
 u8αδ mbpeicup uil ann.

ιρ e τιατταιn icp in το α oλι8o po, .1. maθεm iap  
 noδenam cina bip pδ, ocup mάρ ειpιnnηpαιc το 8ne, ιρ pin  
 το uaiθε, ocup αιτγιn ocup cumal pματτα pop neτ  
 pεnaτταp iap naiciciu8αδ; ocup pματτ beic 8in τειpτ,  
 bό no cumal; ocup an cumal ιρ ap ceθpαιme peττ cumal  
 ατα.

Nι bi pεna iap naicici, ατ manab innpaiαι pa το no  
 pa τpi α pεna oλoap α αιτιciu .1. ε pέin co luττ α leiτ  
 apna no leiτ pίpa; no ε pέin co luττ α δά leiτ pin; no e  
 pέin ocup luττ anpipa ocup αιτγιn].

Μάγα 8uim αιτη8ena po maio in ouine, ι nuηpαουp,  
 αιτη8in uαo ann; ocup pίp co na depnα το uipcop uipe  
 ocup enecclann το.

<sup>1</sup> 'Teist'-evidence. That is trustworthy witnesses.

If it be a separation (*from the chief*) for a time, in order to go into another province, let it be seen what *sort of* property he has. If it be separable property he has, whatever proportion of honor-price he would have by being in the same province with him (*the chief*), it is the one-half of it he would have by being in an extern province.

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If it be inseparable property he has, the proportion of *honor-price* which he would have by being in the same province with him (*the chief*), he shall have in an extern province.

Denial after acknowledgment; half fine with oath is incurred\* for this, although it (*the crime so denied*) was not committed at all.

\* Ir. Goes  
with.

That is, the penalty which is in the one case with 'dire'-fine and honor-price for stealing a beast, *and which is* a 'cumhal' in 'cain'-law, and restitution in 'urradhus'-law is that which shall be *imposed* together with oath in that particular case, although the crime was only threatened, not actually committed; for it is *only* acknowledgment of word.

Coming between these two laws means this, i.e., he is boasting after committing the crime, and if it be an unworthy man who does so, the witness of God *is required* from him; and restitution and a 'cumhal' for 'smacht'-fine upon a man who denies after acknowledging; and the 'smacht'-fine for being without 'teist'-evidence<sup>1</sup> is a cow or a 'cumhal;' and the 'cumhal' *here* means the fourth part of seven 'cumhals.'

Let there be no denying after having acknowledged, unless it be twice or thrice more honest to deny than to acknowledge, i.e., himself with a party of half evidence or half proof; or himself with a party of his two half proofs; or himself and a party of full proof, with restitution.

*That is*, if it is a deed *entailing* restitution the person has boasted of, in the 'urradhus'-law, he must make restitution for it; and *denial upon* oath that he did not carry it into effect frees him from 'dire'-fine and honor-price.

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C. 2, 424.      Μαρά γνομ διατηγενα πο μοιτο ιν ουινη, ι νυρηαδυρ, leð e eneclainno uao [ocur ríρ do rcup na leið eneclainno aile de]. Cumal do porpmacht cain ríρin, ocur cain boiliuchta do porpmacht in cumal rín; ocur íρ ar gabar. rín: Cumal por nech renathair iar naititean, ocur noco nuil deiðbir lui na cleið im in cumail rín.

Σαιν ιν ουινη το ρινη ιν μοιτοem ocur ιν γνομ ανο ριν; no ciρ ινανο ουινη, ιρ ραιν υαιρ το ριγneo; ocur το μυο ιν αενρεðt, ciρ beρ de boρ mo, ειρuc ιν μοιτοñe no ειρuc ιν γνομμα, copab eo ber uao.

Ciρ αιρ buðein, ciρ αρ nech aile po tpeinoiptar ιν cin, ατα ιν ειρuc ριν uao; aðt íρρi α deiðbir; cach υαιρ ιρ αρ buðein po tpeinoiptar ιν cin, geibio gpeim ριν αρ ρon α cypuma do na ρiachair, ocur ρuilliuρ ριρ co ρoib uil ιν cinato ano. Ocur ιρ ανο geibuy gpeim ριν αρ ρon α cypuma do na ρiachair ιν tan nap deiρgeð α lam ιm ειρuc ιν μοιτο[m]e no cop tpeinneiptar ιν cin αιρ.

Μαρά τυιρεðα πο deiρgeo α lam ιm ειρuc ιν μοιτοme ιnna po tpeinneiptar ιν cin αιρ, noco gabann gpeim nað ní; no dono, cach υαιρ ιρ αρ buðein po tpeinoiptar ιν cin αιρ, ciρ ρe nðerach α laime ciρ iar nðeracð α laime, cu nðabao gpeim ριν αρ ρon α cypuma do na ρiaðair, ocur ρuilliuρ ριρ co ρoib uil ιν cinato ano.

O ουινη nach γαταυe ocur do nað ber do gpeρ μοιτοem ατα ριν, υαιρ docharce ιν γνομ το venum do, υαιρ α deiρ. Aipen αιτηγiρ po uaiγ α μοιτοme. Ocur το μαο γαταυe, no το μα ουινη uamato ber do gpeρ ιν

<sup>1</sup> 'Cain Boiliuchta,' i.e., the law that treats of cow-killing, cow-stealing, &c.

<sup>2</sup> A 'cumail'. *ftc.* This is a quotation from some ancient law book.



If it be a deed not *entailing* restitution the person has boasted of, in the 'urradhus'-law, he is exempted from half honor-price, and *denial upon* oath removes the other half honor-price from him. The 'cain'-law adds a *fine* of a 'cumhal' to this, and it is the "Cain Boiliuchta"<sup>1</sup> that adds this 'cumhal'; and where this is found is "a 'cumhal'<sup>2</sup> upon a person who is acquitted<sup>a</sup> of the deed after acknowledgment of having committed the crime," and there is no difference of minor or major (*higher or lower rank*) respecting this 'cumhal.'

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<sup>a</sup>Ir. Denied  
ff.

In this case the man who made the boast and the man who did the deed were different; or though the person was the same it (*the deed*) was done at a different time; and if it were at the same time, whichever of the two is greater—the 'eric'-fine for the boasting, or the 'eric'-fine for the deed—it shall be *the fine* upon him.

Whether it be of himself or of another he disproved the crime, that 'eric'-fine is *imposed* upon him; but with this difference; whenever it is of himself he disproved the crime, that takes effect for its own proportion of the fines, and it (*that proportion*) shall be added to until it amounts to the payment for the crime. And the time *during which* this takes effect for its proportion of the fines is when his hand has not been emptied by paying the 'eric'-fine of the boasting until he (*the accused*) was acquitted of the crime.

If his hand had been emptied by paying the 'eric'-fine of the boasting before he was acquitted of the crime, it (*the acquittal*) avails him nothing; or, again, *according to others*, whenever it was of himself the crime was disproved, whether before the emptying of his hand or after the emptying of his hand, it takes effect for its proportion of the fines, and it (*that proportion*) shall be added to until it amounts to the payment for the crime.

This is *the payment* from a person who is not a thief and who is not always in the habit of boasting, for it is more likely that such a person committed the deed, for he says so. He then makes restitution because of his boasting. But if he were a thief, or if he were a person who was

1n aipet iplan in zat tpe herpa, iplan in maibem tpe  
 erpa; no dono, žé maō iplan in zat tpe herpa cuna baō  
 plán in maibem tpe erpa; uair tarēaiter aitežin vpir  
 na žaiti, ocuŕ noco tarēaiter vpir in maibme.

Ըստ թե՛ծերը տարբեր լին օգտը ա ծառն աստ, չե մարտն  
 ռեաժն ո՛ր ռա թեյնե, ու ծա քաժաժ թե. Դույնե ռա ռա  
 ճոժաժ մարտեմ օրթե, օգտը ծույնե ռո ռաճ ճոժաժ մարտեմ  
 քոռն, աթ րթ քո ճոռն մոնճե մոյսեճեթը.

Cach bpiuga namatach.

.1. աքալի տօ թօ բր ար ք նսաթթե քաթթար ատ, աքալի  
աթե րք ք նետոնաթգտ, աքալի աթե րք ար ք նաթթ,  
աքալի աթե րք ար ք նաթթ, աքալի աթե րք ար ք թոթթ-  
ճաթթ.

Ուրիշ, օգուր ու իրար թէժա, օգուր արժնոց ու cell,  
 ու իրար ու ու իրար թէժա, օգուր արժնոց ու cell,  
 ու իրար ու ու իրար թէժա, օգուր արժնոց ու cell,

Նա ցրտի վաճառ, ահա մտնալ ցարաւ բարաւ օրնա,  
յարաւ յաւ ար շուտաւ ա մեծաւ, օգուր ար շուտաւ անկողան.

Մաքո զարտ բերամ օրո, ուսո բեր լաւ ար բնաւ  
 ամիւ, օւր րթօ ար բնաւ ոմբեօցան. Օւր բրքա  
 ուս յարօւմ բէժա բն, աւր ուսո բեր նա յարօ բլաժ  
 ալե.

<sup>1</sup> *Much is said, &c.* This is also a quotation from some ancient law book.

<sup>a</sup> *Is not safe.* The meaning of this passage seems to be, "in all cases in which the actual crime of theft entails no penal consequences by reason of *the folly of the thief*, in all such cases the boasting of *having committed the theft*, also by reason of the folly of the *boaster* entails no penal consequences; or, according to *others*, although the actual theft, by reason of *the folly of the thief*, entails no penal consequences, yet the boasting of *having committed the theft* is not by reason of the folly of the *boaster* free from penal consequences."

always in the habit of boasting, it is less likely that the deed was committed by him, and it is right that there should be no fine upon him for "much is said through aggravated anger and the folly of mental disturbance."<sup>1</sup>

As long as theft is safe in consequence of folly, so long is boasting through folly safe also; or, indeed, *according to others*, though theft is safe in consequence of folly, the boasting through folly is not safe;<sup>2</sup> for restitution is exacted from the thief, but it is not exacted from the boaster.

What is the difference between this (*the rule of half-fine*) and the case when it is said "though one should boast of a thing which he did not do he shall not be fined for it?" *The maxim applies to* a person who was in the habit of boasting and *the rule to* a person not in the habit of boasting, for it is the frequency of the act that is estimated.

Every person under obligation of hospitality<sup>a</sup> must have roads to his house. \*Ir. Breiwy.

That is, some of these following are exempt *from compulsory hospitality* for their nobility, some for their non-age, some for the shame of it, some for their madness, and some for their old age.

Kings and the septenary grades, and the 'airchinnechs' of the 'cill'-churches, whether they have or have not taken protection,<sup>3</sup> are exempt from the liability of *supplying* food, and from liability on account of kinsmen.

The chieftain grades, if they have not taken upon themselves protection, are exempt from the liability of *supplying* food, and from liability on account of kinsmen.

If they have taken upon themselves protection, they are not exempt from the liability of *supplying* food, but they are from liability on account of kinsmen. And that is a privilege of the septenary grades, because the other chieftain grades are not exempt.

<sup>a</sup> *Taken protection.* This in English would mean, "to have become vassals or placed themselves *in manu* of some one." It indicates some act by which the status was lowered. Here and elsewhere the phrase may perhaps mean that such persons have obtained protection from, or exemption from the burdens incident to their rank.

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Որ ցարս բէնե, մանք ցարս բարս օրո, րար  
իտ ար ցնարս ա միւ, օսր ոօօ բար ար ցնարս ո-նեօ-  
ցն. Մա ոօ ցարս բարս օրո, ոօօ բար իտ ար  
ցնարս ա միւ, օսր ոօօ բար ար ցնարս նեօցն, օսր  
նօօ ուլ ու թօի աճ րարալլ ա թալար ա ուրարար,  
մարս ուրար, օսր մանս հոուրար, ոօօ ուլ ուճ ու.

Որ արարս, մա ցարս թօ լաւ ու արարալլա թօ  
օնցար, աճ մանք ցարս բարս օրո, րար իտ ար  
ցնարս ա միւ օսր ար ցնարս նեօցն. Մա ոօ ցարս  
բարս օրո, օսր ոօօ բար իտ ար ցնարս ա միւ ու ար  
ցնարս նեօցն; օսր ոօօ ուլ օնցնարս թօի աճ մա  
օնցնարս ու օ-արթ մօօնար, ու ու օ-արթ ր րար;  
օ ուրարս մարս արարս թօ արար րարս բարս;  
օսր մանս արար, ոօօ ուլ ուճ ու աճ րարալլ ա  
թալար ա ուրարար, մարս ուրար, օսր մանս ո-  
ուրար ոօօ ուլ ուճ ու.

C. 1,390. [Ա մեւ ար րար] ար արար րար րար, [ար րար]  
C. 2,353. րար արար].

.1. մարս արարս օնօ ու արարս արարս օրո թօ  
ուրար ու արար, ար արարս օն օ արարս ար  
արար, րարս արարս օն արար արարս արարս ար  
արար.

C. 1,588. Մա արարս ար, օսր մարս ար արարս իտ, մարս ար  
[արար] րարս արարս ա արարս, օսր արար րար արարս  
արարս ու րարս արարս ա արարս ա արար; օսր ար-  
արարս րար արար րար արար արարս արարս ա  
արար.

Մար արարս ու արար (ոու արար) արար, օսր ու արար  
արարս, աճ մարս ա արարս ու արարս արարս արարս ա



The inferior grades, if they have not taken protection upon them, are exempt from the liability of *supplying* food, but are not exempt from liability on account of kinsmen. If they have taken protection upon them, they are not exempt from the liability of *supplying* food, and they are not exempt from liability on account of kinsmen, and they are entitled to nothing but a 'screpall' in right of their worthiness, if they be worthy, and if they be not worthy, they are not entitled to anything.

The farmers, if they have undertaken to support obligatory hospitality,<sup>a</sup> but have not taken protection upon them, are exempt from the liability of *supplying* food and liability on account of kinsmen. If they have taken protection upon them they are not exempt from the liability of *supplying* food, nor from liability on account of kinsmen; and they have no honor-price save only the honor-price of the middle 'bo-aire'-chief, or of the best 'bo-aire'-chief; and *this* when they make good use, in hospitality,<sup>a</sup> of their wealth beyond the protection; and if they do not, they are entitled only to a 'screpall' in right of their worthiness if they be worthy, but if they be not worthy they are not entitled to anything.

<sup>a</sup>Ir. Brevy-ship.

My son, that thou mayest know *when* the crime of one man is upon a host, *and* the crime of a host upon one man.

That is, if one man led them (*the host*) out by force or *through their* ignorance, to commit the killing, whether those led out have been arrested or not, the man who led them out pays out his full share, i.e., a *fine* of seven 'cumhals.'

If they were led out with their consent, and if they *and the man who led them out* were arrested together, they pay conjointly a *fine* of seven 'cumhals,' and the man who led them out pays the third of the seven 'cumhals' on account of his instigation; and the proportion of one man of the other two-thirds in right of his hand.

If it is he (*the leader*) that is sued, or arrested on the occasion, and they (*the host*) are not arrested, and if he is sued

THE BOOK OF AICILL. Լաւմե, օսւր իմ քիսի ա տարւի, ո՞ր Եւր քաւնե քէ՛տ, մա  
 րօ աճժայցօ յաճ իքա՞տ աճ՛ յեւտար յօ, իքա՞տ քէ՛տ Եւմալա  
 ա ծաւալսր ա Լաւմե օսւր ա ծաւալսր ա տարւօ.

Մարա քաւնե քէ՛տ, օսւր ո՞ր աճժայ, ին շան շիքսւմ  
 քօ ծլիցօ իքա՞տ քէ՛տ Եւմալա ա ծաւալսր ա Լաւմե, օսւր  
 տրիան քէ՛տ Եւմալա ա ծաւալսր ա տարւի; օսւր ին շան  
 շեւաւտքսւմ քօ ծլիցօ, իքա՛տ ծա տրիան քէ՛տ Եւմալա քսքսւմ  
 ի Եւմալօք; ո՞ր քէ՛տ Եւմալա օ Եւմալ քս Եւմալալա ին-  
 Եւմալօք, Եւմալօք ին շանտրիանտօ քսքսւր Եւմալ տրիան քէ՛տ  
 Եւմալ ինտօք իւլօ օսւր Եւմալա քօ Եւմալ քս Եւմալ ծա  
 տրիանտօ Եւմալ.

Մարա իքալոմ տարւր Եւմալ, օսւր ու տարւր Եւմալ, աճ՛  
 մա րօ քսքսւր քսն տօքսւմ, ո՞ր մա րօ իքա՛տ [ա Եւմալ], ին  
 շան շիքսւմ քօ ծլիցօ իքա՞տ քէ՛տ Եւմալա ա ծաւալսր ա  
 Լաւմե, օսւր տրիան քէ՛տ Եւմալ ա ծաւալսր ա տարւօ.

Մարա քսքսւր քսն տօքսւմ, ո՞ր մարա իքա՛տ ա Եւմալ, ին  
 շան շիքսւմ քօ ծլիցօ իքա՞տ քէ՛տ Եւմալա քօ քսքսւմ  
 տօքսւմ, օսւր տրիան քէ՛տ Եւմալ քսքսւմ.

Մարա ծլիցօ քսն ին քսքսւմ տօքսւմ քսն տօքսւմ քսն  
 տօքսւմ ծա Եւմալալա, օսւր ուն քսքսւմ ծլիցօ քսն քսն  
 տօքսւմ ծա Եւմալալա. իք քսն տօքսւմ քսն, Եւմալ ուն  
 տօքսւմ քսն քսն տօքսւմ տօքսւմ քսն, օսւր ուն քսն  
 տօքսւմ տօքսւմ քսն քսն տօքսւմ տօքսւմ քսն, աճ՛  
 քսն քսն քսքսւմ Եւմալ.

Մա քսքսւմ քսն տօքսւմ.

.1. ինտօ քսքսւմ Եւմալ օսւր քսքսւմ քսքսւմ ի նքսքսւմ.

<sup>1</sup> *Non-participation.* That is, in the fine, i.e. non-contribution.

<sup>2</sup> *Certainty.* That is, the law in the case of certain proof (or the absence of certain proof) in the case of one man, and in the case of certain proof (or the absence of certain proof, in the case of many is the same.

at the same time for the fine of *the crime of his hand*, and for the crime of his instigation, or though it should be at different times, if it was agreed that he should only pay in either of those cases, he pays a fine of seven 'cumhals' for *the crime of his hand* and for his instigation.

If it be at different times (*that they are respectively sued*), and there was no stipulation, when he (*the instigator*) submits to law he pays a fine of seven 'cumhals' on account of *the crime of his hand*; and a third of seven 'cumhals' on account of his instigation; and when they (*the persons led out*) submit to law, they shall pay two-thirds of seven 'cumhals' to him (*the instigator*) conjointly; or, seven 'cumhals' are payable from them severally for non-participation,<sup>1</sup> except the proportion which one-third of seven 'cumhals' bears to them all and the proportion of one man of the other two-thirds which the instigator pays.

If it is they that have been arrested, and he (*the instigator*) has not been arrested, if they have obtained an indemnity for him, or if they have paid his share, then when he submits to law, he pays his proportion of the fine of seven 'cumhals' on account of *the crime of his hand*, and the third of seven 'cumhals' for his instigation.

If they have not obtained an indemnity for him, or if they have not paid his share, when he submits to law he pays a fine of seven 'cumhals' to the plaintiff, and the one-third of seven 'cumhals' to him.

The law enforces on the plaintiff exemption to them from his share, but the law does not enforce on him (*the plaintiff*) exemption to him (*the instigator*) from their share. The reason of this is, it is the liability of a kinsman of an instigator to be sued for the crime of the instigator, and it is not the liability of the kinsman of those who have been instigated to be sued for the crime of the instigator, but the crime to be charged against him is that of a participator.

When it is not known which of them did it.

That is, the certainty<sup>2</sup> respecting one man and the certainty respecting many in the 'urradhus'-law is the same as the

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ARCELL. — ԾԱՐ ԾԱՐ ԵՈՒԾԻ ԱԵՆ ՔԻՐ Ա ԵԱՆ. ԻՆ ԾԵՒԵԾԻՐ ԱՆ ԻՐԻ  
ԵՈՒԾԻ ՐՈՇԱԻԾԵ ԻՆ ԱՐԻԱԾԱՐ ԾԱՐ ԵՈՒԾԻ ԱԵՆՔԻՐ Ա ԵԱՆ,  
ՅԻ Ա ԵԱՆ ԱԵԱ.

ՄԱՐ Ա ՆԱՐԻԱԾԱՐ ԾՈ ՐՈՆԱԾ ԻՆ ՄԱՐԲԱԾ, ԾԱՐ ԵՈՒԾԻ  
ԵՈՆԱԾ ԱԵՇԱԻԲ, ԵՐՈ ԱԵՆ ՔԵՐ ԵՐՈ ՐՈՇԱԻԾԵ, ԻԵԱՏ ԱՆԼԵ ՔԵՇՏ  
ԵԱՄԱԼԱ ԱՄԱՇ, ԾԱՐ ԻԵԱՏ ԻՆ ԵԱՆՄԱԾ ՐԱՆՆ ՔԻՇԻՏ ԾԱ  
ԵՆԵԼԱՆՆ ՔԵ ՔԵՐ ԻՆ ՔԵՐԱՆՆ. ՏԵՇՏԱՐ ՄԱՅԻՆ ՐԻՆ; ԾԱՐ  
ԼԵՏ ՄԱՐ Ա ՄԱՅԻՆ, ԾԱՐ ԼԱՆ ՔԻՐ ԵՈՄԱԾԱՐ ԵՏՐԻՐԱ ՔՐԱ  
ՔԱԼԼԵԾ ԵՆԵԱՅ.

ՄԱՐԱ ԵՈՒԾԱԲԱՐԵ ԵՈՆԱԾ ԱԵՇԱԻԲ ԾՈ ՐՈՆԱԾ ԻՆ ՄԱՐԲԱԾ,  
ԻԵԱՏ ԱՆԻՇԻՆ ԱՄԱՇ, ԾԱՐ ԻԵԱՏ ՔԵՐ ԻՆ ՔԵՐԱՆՆ ԻՆ ԵԱՆՄԱԾ  
ՐԱՆՆ ՔԻՇԻՏ ԾՈՆ ԱՆԻՇԻՆ ՐԻՆ; ԾԱՐ ԼԱՆ ՔԻՐ ԵՈՄԱԾԱՐ  
ԵՏՐԻՐԱ ԵՂԼ ՔՐԱ ՔԱԼԼԵԾ ԵՆԵԱՅ, ԾԱՐ ՔԻՐ ԱՐ ԵՆՆԱԻԲ  
ԱԵՇԻԲ ԱՄԱՇ.

ՄԱՐ Ա ԵԱՆ ԾԱՐ ՐՈՇԱԻԾԵ, ԾԱՐ ԵՈՒԾԻ ԵՈՆԱԾ ԱԵՇԱԻԲ  
ԾՈ ՐՈՆԱԾ ԻՆ ՄԱՐԲԱԾ, ԻԵԱՏ ՔԵՇՏ ԵԱՄԱԼԱ ԱՄԱՇ, ԾԱՐ ԻԵԱՏ  
ԻՆ ԵԱՆՄԱԾ ՐԱՆՆ ՔԻՇԻՏ ԾԱ ԵՆԵԼԱՆՆ ՔՈ ՔԵՇՏ ՔԵ ՔԵՐ ԻՆ  
ՔԵՐԱՆՆ; ԼԱՆ ՔԻՐ ԵՈՄԱԾԱՐ ԵՏՐԻՐԱ ՔՐԱ ՔԱԼԼԵԾ ԵՆԵԱՅ.

ՄԱՐԱ ԵՈՒԾԱԲԱՐԵ ԵՈՆԱԾ ԱԵՇԱԻԲ ԾՈ ՐՈՆԱԾ ԻՆ ՄԱՐԲԱԾ,  
ԻԵԱՏ ՔԵՇՏ ՆԱՆԻՇԻՆԱ ԱՄԱՇ, ԾԱՐ ԻԵԱՏ ՔԵՐ ԻՆ ՔԵՐԱՆՆ ԻՆ  
ԵԱՆՄԱԾ ՐԱՆՆ ՔԻՇԻՏ ԾՈ ԵԱՇ ԱՆԻՇԻՆ ԾՈ ՆԱ ՔԵՇՏ ՆԱՆԻՇ-  
ԻՆԱ; ՆՈ ԵՈՆԱ ԽԵԱՆՆ ԱՇԻՏ ԻՆ ԵԱՆՄԱԾ ՐԱՆՆ ՔԻՇԻՏ  
ԵԱՆ ԱՆԻՇԻՆ, ՆՈ ԼԵՏ ԱԵՆ ԱՆԻՇԻՆ; ԾԱՐ ԼԱՆ ՔԻՐ ԵՈՄԱԾԱՐ

<sup>1</sup> *The precinct.* The Irish word translated 'precinct' meant a portion of land of varying extent, lying round the house of a chief or high church dignitary; e.g. the land extending one thousand paces round the house of a bishop constituted his 'maighin' or precinct. Other 'maighins' are defined as extending as far round the house of a chief or ecclesiastical personage as the sound of the bell or the crowing of the cock could be heard. Some were enclosed, others were not.—*Vide* O'D. 609, C. 1793, 2138, 2631.



certainty respecting one man in the 'cain'-law. *As to the* THE BOOK  
 difference which subsists between the certainty respecting OF  
 many in the 'urradhus'-law, and the certainty respecting AICILL.  
 the one man in the 'cain'-law, it is in the 'cain'-law it  
 (*the difference*) is.

If it was in a district where 'urradhus'-law prevailed, the killing has been committed, and that it is certain that it was by them (*the inhabitants of the district*), whether one man or many, they all *conjointly* pay a fine of seven 'cumhals' out, and they pay the one-twentieth part of his honor-price to the owner of the land. This is *when the killing has been committed* outside the precinct;<sup>1</sup> but one-half honor-price shall be paid if within the precinct, and *there is required full appropriate denial upon oath* among them for neglecting to arrest the criminal.

If it be doubtful that the killing was committed by them they pay compensation<sup>2</sup> out, and the owner of the land pays the one and twentieth part of that compensation; and *there is required full appropriate denial upon oath* among them within for neglecting to arrest the criminal, and *denial upon oath* on the part of the chiefs from them out.

If it be in a district where 'cain'-law prevails, and there be many concerned, and it is certain the killing was committed by them (*the inhabitants of the district*), they pay a fine of seven 'cumhals' out, and they pay seven times the one-twentieth part of his honor-price to the owner of the land; *there is required full appropriate denial upon oath* among them for neglecting to arrest the criminal.

If it is doubtful that it was by them the killing was committed, they pay seven compensations out, and the owner of the land pays the one and twentieth part of each of the seven compensations; or, *according to others*, he pays but the one and twentieth part of one compensation, or half compensation; and *there is required full appropriate denial upon*

<sup>2</sup> *Compensation.* The word 'aithgin,' here translated compensation, means in general restitution of a thing itself or its exact equivalent in kind. Here it evidently means the "fine of atonement," the payment of which replaces (restitutes) all parties in their former position.

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 OF **ՍԱԷՆԻԲ ԱՄԱԽ.**  
 AICHEL.

Canar a ngabar in taenmaro rann ríchit do caē aithgin do na reēt naithegenā do ic v̄p̄r in fep̄ain̄o inā cunnatabairt? Amuil atā in aenmaro rann ríchit do caē eneclainn do in α c̄in̄oti. 1̄r ar gabair ̄rin, ailio ̄rin romaine ̄raiḡio ̄raiḡio ̄ro na no uma c̄in̄ao.

Marā aenouine α c̄ain, oc̄ur c̄in̄oti conao uathaīb do ̄ponao in mar̄bao, icao reēt cumala amae, oc̄ur icat in aenmaro rann ríchit ̄o eneclainn ̄e fep̄r in fep̄ain̄n; oc̄ur lan ̄p̄r comat̄oir ̄etur̄pu ̄erll ̄p̄ri ̄p̄ail̄leḅ c̄in̄tao, oc̄ur ̄p̄r ar cennaīb uath̄aīb amach.

Marā cunnatabairt conao uathaīb do ̄pin̄ao in mar̄bao, icao aithgin amach, oc̄ur icao fep̄r in fep̄ain̄o in aenmaro rann ríchit ̄on aithgin ̄rin; oc̄ur lan ̄p̄r comat̄oir ̄etur̄pu ̄erll ̄p̄ri ̄p̄ail̄leḅ c̄in̄tao, oc̄ur ̄p̄r ar cennaīb uath̄aīb amach.

Marā ̄p̄e cumap̄c ̄up̄p̄at̄aīb oc̄ur do ̄uop̄at̄aīb oc̄ur do m̄up̄c̄air̄tib oc̄ur do ̄uap̄raīḅ, icat in luēt 1̄r mo lan ann imap̄c̄raīḅ; oc̄ur t̄ecat α cuīb̄oep̄ do cum in loētā 1̄r luḡu lan an̄o, oc̄ur com̄icat ̄etur̄pu.

C. 2358. [In ̄pellaē ̄ro bui ac ̄p̄eill̄ceēt in láin do ic ̄ap̄r α cen̄o amae, má ̄ro fep̄ air 1̄ap̄oain, aēt] m̄arā mó in lan ̄ro icao ̄ap̄r α cen̄n amach inā in lan ̄ro ̄leēt ̄e, icat̄pum in lan ̄ro ̄leēt ̄e ̄p̄ein amach conā ̄p̄iach ̄p̄eill̄iḅ; oc̄ur icao ̄p̄iach ̄p̄eill̄iḅ nā himap̄c̄at̄o ̄p̄ir in fep̄r amach.

Marā luḡa in lan ̄ro icao ̄ap̄r α cen̄o inā in lan ̄ro ̄leēt ̄e ̄p̄ein, icat̄pum in lan ̄ro icao ̄ap̄r α cen̄n amach co na ̄p̄iach ̄p̄eill̄iḅ, oc̄ur icao α imap̄c̄raīḅ amach.

<sup>1</sup> *The crime.* This is a quotation from some ancient law-book.

oath among them within for neglecting to arrest the criminal, and *denial upon oath on the part of chiefs from them out.* THE BOOK  
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—

Whence is it derived that the one and twentieth of each of the seven compensations is paid by the owner of the land in a case of doubt? *It is as he gets the one and twentieth part of every honor-price in a case of certainty.* And this is taken from the rule; "he (the owner of the land) is entitled to sue for damages, according to or on account of the crime."<sup>1</sup>

If in a district where 'cain'-law prevails, if it is one man that has been killed, and it is certain that it was by them the killing was committed, they (the inhabitants) pay a fine of seven 'cumhals' out, and they pay the one and twentieth part of his honor-price to the owner of the land; and there is required full appropriate *denial upon oath among themselves within for neglecting to arrest the criminal, and denial upon oath on the part of chiefs from them out.*

If it is doubtful that the killing was committed by them (the inhabitants), they pay compensation out, and the owner of the land pays the one and twentieth part of that compensation; and there is required full appropriate *denial upon oath among them within for neglecting to arrest the criminal, and denial upon oath on the part of chiefs from them out.*

If it be by a mixed body of native freemen and strangers and foreigners and 'daer'-men that the killing was committed, they who have the largest full honor-price pay a proportional excess;<sup>a</sup> and they come into participation with those who have least full honor-price, and they thus pay equally between them. <sup>a</sup> Ir. The excess.

If it be found out of a looker on that he was looking on at the payment of the full 'eric'-fine for himself out, and if the full amount which was paid for him out was greater than the full amount which was due of him, he pays the full amount that was due of himself and the fine for looking on at the payment; and he pays the excess of fine for looking on to the man outside.

If the full amount which was paid for him is smaller than the full amount which was due of him, he pays the full amount which had been paid for him out with the fine for looking on, and he pays the excess out.

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—

Maṛa curpuma in lan po iato daṛ a cenn amach ocuṛ  
in lan po vleṣt veipum, iatoṛum viḡbaıl a lánme rıṛ in  
ṛep amach, cona rıach reıllıḡ.

In duıne po bı a rıaṛnaıṛe in lan rıṛ ac a ic amach,  
no cen co rıoıbe, ma po rıoıṛ a ic amach, iato ṡṛıaḡ aıḡ-  
ḡın a cota co cethrııme vıṛe a ḡota, ocuṛ co cethrııme  
eneclainne; iato veopıoı aıḡḡın a cota con oḡṡmaṡ  
vıṛı a cota ocuṛ co oḡṡmaṡ eneclainne; iato muṛıḡaıḡıḡı  
aıḡḡın a cota ocuṛ in rıeıṛıṡ rıann dec vıṛı a ḡota, ocuṛ  
in rıeıṛıḡ rıann dec a eneclainnı.

Cıo iatṛ daep? Aıḡḡın a lana buaéın vıe vḡ daep co  
na rıach reıllıvechta. 'Da rḡcṡmaḡ ocuṛ in rḡcṡmaḡ  
rıann dec im duıne, mane taṛuṛ nı amuıch; ocuṛ ma  
taṛuṛ, rḡcṡmaṡ ocuṛ in rḡcṡmaḡ rıann dec. 'Da cuıceṡ  
im an cet boın, cuıceṡ ocuṛ vḡcṡmaṡ im an mboın taṛaıṛı,  
cuıceṡ ocuṛ in cuıceṡ rıann dec im in tṛep boın, cuıceṡ  
im caḡ boın o ḡa rıṛ amach. 'Do neoch na taṛuṛ amuıch  
rıṛ; ocuṛ ma taṛuṛ, ıṛ cuıceṡ im an cet boın ocuṛ  
vḡcṡmaṡ im in mboın taṛaıṛıṡ ocuṛ in cuıcıṡ rıann dec  
im in tṛep boın.

Leṡh ocuṛ oḡṡmaḡ im in cet ech, leṡ ocuṛ rıeıṛıṡ rıann  
dec im an ech taṛaıṛıṡ, leṡ ocuṛ in daṛa rıann  
ṡṛıḡat im in tṛep ech; leṡh im cach nech o ḡa rıṛ  
amach.

'Do neoch na taṛuṛ amuıch rıṛ; ocuṛ ma taṛuṛ, oḡṡmaṡ  
im in cet ech, ocuṛ in rıeıṛıṡ rıann vḡc im in ech taṛaıṛıṡ,  
in daṛa rıann ṡṛıḡat im an tṛep ech, ocuṛ noco nuıl nı  
a nech o ḡa rıṛ amach.

C. 2,354-5. [Máṛ ṡṛıa po buı aḡ reıllcect [in lánı vıe amach],  
ocuṛ ıṛ é rıeın vḡ rıoınnḡ in maṛḡaḡ, ocuṛ po rıep [in  
maṛḡaḡ] aıṛ iatṛaıṛ, íca rḡ rḡcṡ cumala imaḡ, ocuṛ

<sup>1</sup> *The emptying of his hand.* That is, the amount which he had emptied his hand  
of, or had paid.

<sup>2</sup> *The equivalent.* That is, a 'daer'-man repays to those who had paid it for him  
the full 'eric'-fine payable by himself.



If the full *amount* which was paid for him out is equal to the full *amount* which was due of him, he pays to each man the emptying of his hand<sup>1</sup> out, with the fine for looking on.

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The person who was present at the payment of that full *amount* out, or who, though he were not *present*, knew that it had been paid out, pays *if he be* a native freeman, restitution of his share with one-fourth of the 'dire'-fine of his share, and with one-fourth of honor-price; a stranger pays restitution of his share with the eighth of the 'dire'-fine of his share and with the eighth of honor-price; a foreigner pays restitution of his share and the sixteenth part of the 'dire'-fine of his share and the sixteenth part of his honor-price.

What does a 'daer'-man pay? The equivalent<sup>2</sup> of his own full 'eric'-fine is paid by a 'daer'-man with the fine for looking on. Two-sevenths and one-fourteenth for a person, if nothing has been got outside; but if *something* has been got, one-seventh and one-fourteenth *are to be paid*. Two-fifths *are due* for the first cow, one-fifth and one-tenth for the second cow, one-fifth and one-fifteenth for the third cow, one-fifth for every cow from that out. This is when nothing has been got outside, but if *something* has been got, it is one-fifth *that is due* for the first cow and one-tenth for the second cow and one-fifteenth for the third cow.

One-half and one-eighth *are due* for the first horse, one-half and one-sixteenth for the second horse, one-half and one-thirty-second for the third horse, one-half for every horse from that out.

When nothing has been got outside, this holds good; but if *something* has been got, one-eighth *is due* for the first horse, and one-sixteenth for the second horse, and one-thirty-second for the third horse, and there is nothing *due* for a horse from that out.

If it was a native freeman<sup>3</sup> that was looking on at the full payment out, and it was himself that committed the killing, and the killing was found out of him afterwards, he pays out a *fine of* seven 'cumhals,' and they shall levy the

<sup>2</sup> A native freeman. The words within the second brackets in this interpolated portion are corrections made by Professor O'Curry in his own Transcript of Egerton, 88, 27, b. a. in the British Museum.

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տօյնցէրիմ յօցծա՞ծ 1 Լաւմե իմսւ՛ճ; օսւր մսն քօջծաւ  
րիմ յօցծա՛ծ 1 Լաւմե իմսւ՛ճ, իգարիմ րիւ րսս, օս քիաչաւ  
քեւլլե՛ճէտ. օսւր իր լա՞ծ նա քիւ՛ճ քեւլլե՛ճէտ հի րիւ;  
սե՛քրիմե տրե, օսւր օճտա՞ծ տրե, օսւր ալե ճե՛ց սե՛քրիմե  
տրե, իմ քթօտաւ տաճալտ, օսւր իմ տօսիւտաւ.

Մա՛րս տօքրա՛ծ քօ ծաւ աւ քեւլլե՛ճէտ, իգա նա քիա՛ճ իմա՛ճ;  
օսւր իր է քիւն ծօ քօսիմե ին մարծա՛ծ, օսւր քօ քթար ալր  
լարծաւ, իգա քիւ Լե՛ճ քե՛ճտ շսմալա իմա՛ճ, օսւր տօյնցէրիմ  
տօցծա՛ծ 1 Լաւմե իմսւ՛ճ; օսւր մսնա քօջծաւրիմ յօցծա՛ծ 1  
Լաւմե, իգարիմ րսս, օս քիաչաւ քեւլլե՛ճէտ. օսւր իր լա՛ծ  
նա քիւ՛ճ քեւլլե՛ճէտ րիւ: օճտա՞ծ տրե, օսւր ին քիւրթօ  
քանն ճե՛ց, օսւր ին սե՛քրիմե քանն քիւ՛ճ տրե; օճտա՛ծ իմ  
քե՛տաւ տաճալտ, օսւր իմ տօսիւտ.

Մա՛րս մսրճսրճա՛ծ քօ ծաւ աւ քեւլլե՛ճէտ, իգա նա քիաչ 1  
Լաւմ իմա՛ճ, օսւր իր է քիւն ծօ քօսիմե ին մարծա՛ծ, օսւր քօ  
քթար ալր լարծաւ, իգա քիւ Լե՛ճ քե՛ճտ շսմալա իմա՛ճ, օսւր  
տօյնցէրիմ տօցծա՛ծ 1 Լաւմե իմսւ՛ճ; օսւր մսնա քօջծաւ-  
րիմ տօցծա՛ծ 1 Լաւմե, իգարիմ րսս օս քիաչաւ քեւլլե՛ճէտ.  
օսւր իր լա՛ծ նա քիւ՛ճ քեւլլե՛ճէտ րիւ, քիւրթօ քանն ճե՛ց  
օսւր ին տօքրա քանն քիւ՛ճտ օսւր ին տօճտա՛ծ քանն սե՛քրաճտ  
տրե; քիւրթօ քանն ճե՛ց տրե իմ քե՛տաւ տաճալտ, օսւր իմ  
տօսիւտ.

Մա՛րս տօքր քօ ծաւ աւ քեւլլե՛ճէտ, իգա նա քիա՛ճ, օսւր իր է  
քիւն ծօ քօսիմե ին մարծա՛ծ, օսւր քօ քթար ալր լարծաւ, իգա  
քիւ շսմալ աւիցիւնա իմա՛ճ, օսւր տօյնցէրիմ տօցծա՛ծ 1  
Լաւմե; օսւր մսնա քօջծաւրիմ տօցծա՛ծ 1 Լաւմե իմսւ՛ճ ի-  
գարիմ րսս, օս քիաչաւ քեւլլե՛ճէտ. օսւր իր լա՛ծ նա  
քիւ՛ճ քեւլլե՛ճէտ հիւրիւ: ճա՛ շսւրիւ իր ին շե՛ճ քիւ՛ճ, շսւրիւ  
օսւր ճե՛ճտ իր ին քիւ՛ճ տանիւ, շսւրիւ օսւր ին շսւրիւ քանն  
ճե՛ճ իրիւ քթար քիւ՛ճ; ճա՛ քե՛ճտա՞ծ օսւր ին սե՛քրիմե քանն  
ճե՛ց իմ տսիմե; Լե՛ճ օսւր օճտա՞ծ իմ Է՛ճ, ո՞ս իմ քե՛տաւ

1 'Seda' of double. That is, in-calf cows, for which, if stolen, maimed, or killed, payment equal to twice the value was to be made.

emptying of his hand outside; and if they do not find the emptying of his hand outside, he shall pay that unto them, together with the fines for looking on. And these are the fines for looking on: one-fourth of 'dire'-fine, and one-eighth of 'dire'-fine, and one-twelfth of one-fourth of 'dire'-fine for 'seds' of double<sup>1</sup> and for persons.

If it was a stranger that was looking on, he pays the fines out: *i.e.*, if it was himself that committed the killing, and it was found out of him afterwards, he pays a *fine of* one-half of seven 'cumhals' out, and they shall levy the emptying of his hand outside; but if they do not find the emptying of his hand *outside*, he shall pay it unto them, together with the fines for looking on. And these are the fines for looking on: one-eighth of 'dire'-fine, and one-sixteenth of 'dire'-fine, and the one-twenty-fourth of 'dire'-fine; one-eighth for 'seds' of double,<sup>1</sup> and for persons.

If it was a foreigner that was looking on, he pays the fines in full out, *i.e.*, if it was himself that committed the killing, and it was found out of him afterwards, he pays a *fine of* half seven 'cumhals' out, and they shall levy the emptying of his hand outside; and if they do not find the emptying of his hand *outside*, he shall pay it (*the fine*) unto them, together with the fines for looking on. And the fines for looking on are: the one-sixteenth, and one-thirty-second, and the one-forty-eighth of 'dire'-fine; one-eighth for cattle of double, and for persons.

If it was a 'daer'-man that was looking on, he pays the fines, *i.e.*, if it was himself committed the killing, and it was found out of him afterwards, he pays a *fine of* a 'cumhal' as compensation out, and they shall levy the emptying of his hand *outside*; but if they do not find the emptying of his hand outside, he pays it unto them, together with fines for looking on. And these are the fines for looking on: two-fifths for the first 'sed,' one-fifth and one-tenth for the second 'sed,' one-fifth and one-fifteenth for the third 'sed,' two-sevenths and one-fourteenth for a person; one-half and one-eighth for a horse, or for 'seds' of double; or

THE BOOK OF AICILL. **οιαβαλτα; no cuma δά cuicir in gād rée cētharā uile .i.**  
**ειν ριτ̃ ιτιρ; atceṛ uaitaib in uinne imad̃ ón aipeaēt an**  
**don marbad, ocuṛ atcear cucu iarp̃ an marbad̃.**

Ocuṛ muna facuṛ uathuib no cuccu ιτιρ é, ιṛ cēthar-  
 aip̃ ocuṛ culáip̃ do piasailt ι leiṫ p̃eip̃, ocuṛ t̃eip̃ ocuṛ  
 annt̃eip̃ do piasail innt̃ibp̃eicc].

C. 1,391.

Al meic ar̃a p̃eip̃eip̃ up̃p̃ad̃ p̃op̃ t̃ip̃ ñdeop̃ad̃, [ocuṛ  
 deop̃ad̃ p̃op̃ t̃ip̃ nuip̃p̃ad̃].

.1. δά t̃p̃ian uip̃i uila up̃p̃ad̃ uip̃p̃ad̃ ina uuil; aen  
 t̃p̃ian uip̃i uila deop̃ad̃ do deop̃ad̃ ina uuil; ocuṛ enec-  
 lann do cēhtar de p̃o aicneṫ lui no cleiṫi.

C. 1,724.

Seṫ p̃ain p̃uil ιτιρ in up̃p̃ad̃ ocuṛ in deop̃ad̃, δά t̃p̃ian  
 ac in up̃p̃ad̃ año, ocuṛ aen t̃p̃ian ac in deop̃ad̃; ocuṛ δa  
 maṫ ac neoch uib in ecmaip̃ α δ̃éile p̃o beith he, p̃o baṫ  
 lan uip̃i aicñta α p̃eoiṫ do b̃reith do [ιṛ leiṫ p̃éin α uip̃e  
 ocuṛ α aṫṫin ocuṛ α enecclann ḡan ní don tí aile ar̃].

Már ar̃ pochraic tucad̃ in p̃erann, α p̃éḡad̃ ca poch-  
 raic ar̃ α tucad̃ he:—in pochraic aṫtaig̃ēi no in poṫraic  
 do p̃eip̃ ol̃ig̃iḡ. Al̃ēt maṛa pochraic achtaig̃ēi, ιṛ α biṫh  
 ar̃ in achtuḡad̃ p̃ain. Maṛa pochraic do p̃eip̃ ol̃ig̃iḡ,  
 aṫēt maṛ δa t̃p̃eab̃ad̃ ocuṛ do caithium α p̃eoiṫ ocuṛ α  
 uip̃i tucad̃ in p̃erann, ιṫ t̃p̃ian cāch neich loṛar̃ ocuṛ  
 ar̃ar̃ ocuṛ inpoip̃b̃p̃eip̃ aip̃ o ēip̃ ṫ̃ip̃ in p̃eraiño; ocuṛ ιṫ  
 cētp̃aiñ cemṫaip̃ p̃eoiṫ ac na beith inṫlur̃ no inoip̃b̃aip̃  
 do beṫā aip̃, combeṫ p̃ain ar̃tu.

<sup>1</sup> *Quadruple 's.d.'* That is, one for which fourfold restitution had to be made.

<sup>2</sup> *Cethairid.* That is, literally, 'the four points,' meaning the four surrounding townlands nearest to the place to which he had been tracked from some other place.

<sup>3</sup> *Culaird.* Literally, 'the back points,' that is, the four townlands nearest again to 'the four points.'



it might be two-fifths for every quadruple 'sed,'<sup>1</sup> *i.e.* without any interest at all; *but in the last case* they had seen the person at a distance from the meeting at the killing, and they saw him *coming* to them after the killing.

But if they hadn't seen him *at a distance* from them, or *coming* towards them at all, it (*the case*) is ruled by 'cethar-aird'<sup>2</sup> and 'culaird'<sup>3</sup> with respect to him, and it is ruled by trustworthy witness or untrustworthy witness with respect to them.

My son, that thou mayest know *the law when a native freeman is on the land of a stranger, and a stranger on the land of a native freeman.*

That is, two-thirds of the 'dire'-fine for the native freeman's beast is paid to the native freeman for his beast; one-third of the 'dire'-fine for the stranger's beast to the stranger for his beast; and honor-price is due to each of them according to the nature of minor and major (*lower or higher social rank*).

If a 'sed,' owned in common between a native freeman and a stranger, *has been stolen*, two-thirds of the fines for it are due to the native freeman and one-third to the stranger; but if it belonged to one of them independently of the other, only the full 'dire'-fine for the 'sed' according to its kind is to be given to him (*the owner*), or, according to others, the 'dire'-fine and restitution and honor-price belong to himself, the other person getting nothing out of it.

If the land has been let for hire, let it be seen what hire it was let for:—whether it was a stipulated hire or hire according to law. If it is a stipulated hire, it (*the payment*) is to be according to that stipulation. If it is hire according to law, and if it be to plough it and use its grass and its water that the land was let, the one-third of everything that multiplies grows and increases from the land *is due* to the owner of the land; and it is the opinion of lawyers that even though it was cattle which did not produce or increase that were brought upon it (*the land*), that it (*the rent*) should be got on account of them.

THE BOOK OF AICHEL.  
C. 1,725.  
C. 491.  
C. 1,725.

Մար ծօ Կաժիւմ թօւր նամá ւր [անործե աժ], թար  
սոսից թէժ մԲս ւ յւր á ճեւե, բաճաւ ւն թէժմաժ Բօւն  
ծա Բւաճաւն [ւր ւն բօհրաւ]. Օսւր ւն ծօժմաժ Լօց Բօ ծօ  
ԿաւրԲ նá յսւ ար áւրօ. ԿօմԼօջ ւն Բօ օսւր նá Կաւրց օսւր  
ւն բօհրաւ անորւն. Օսւր ւրօ ւր բօհրաւ Կօւր անն Կսւ-  
րսմսր թէժմաժ անն օսւր օժմաժ Կօ նá յաԲաւրժ թւր,  
[օսւր օժմաժ Կօ նá ճաԲաւրժ թւր նá Կաօւրիջ].

Մար ծօ Կաժիւմ á թօւր օսւր á սւրժ յսւաժ ւն  
թարանն, օսւր թօ áԿժաւցօ á յօւմթրեԲաճ, Կսւ րօւթ  
անն; օսւր ծւլր ւն յօւճ արժաւր անն Կօ նá թւ օ սրրաճ;  
Լեճ Կսւ րօժ, օսւր ծւլր ւն յօւճ արժաւր անն Կօ նá թւ օ  
Ծօրաւճ; Կեժրամժս Կսւ րօժ օսւր ծւլր ւն յօւճ արժաւր  
անն Կօ նá թւ օ մսրԿաւրժ; ծւլր ւն յօւճ արժաւր անն Կօ  
նá թւ օ ծաթ.

Մսնար áժժաւցօ á յօւմթրեԲաճ յւր թԼան ծօրսմ á  
թրեԲաճ, áժ նá յաւր թր Բսնաւո ւնá Կրսաւճ թօ ւնá  
Ծրաւճ Կե; օսւր ծá յաւր, Կáճ նí ծա յրեԲսւրթ թօրս  
ԿօմարԲá յրեԲար ար á ճւոժ ւն á ճւր ւր ծւլր ծօ.

Թօժրաւ áժժաւցժ սւլ յւր ւն Կեժ սրրաւճ օսւր ւն ծօրաւո  
անթրաւն; օսւր թօժրաւ ծօ յօւր ծւլրժ սւլ յւր ւն սրրաճ  
նԾօւոնáԿ օսւր ւն ծօրաւո ծօւոնáԿ; օսւր ծá մաժ  
թօժրաւ ծօ յօւր ծւլր թօ Բօւժի յւր ւն Կեժ սրրաճ օսւր  
ւն ծօրաւճ, ւր թ ւն Կեժ սրրաժ թօ Բօրաժ ւն յրսն.

Կá ծօրաւճ ծաժá ւն Լեճ Կօ Կթր? Սրրաճ թօ բáԿաւ á  
Կօժւր ւն á Կրսճ ԲսԾօւն օսւր ծօ Կսաւո ւ Կրսճ áւե ւմáԿ  
Կե: ճօւԲԾօւլիցւր á Կօւրթօւր. Օսւր թօ թօցԼաւ սրրաճ  
թւր áմսւճ, Լեճ Կօւրթօւր օսւր Լեճ ԷնեԿԼանն ծօ ւն Կáճ  
թօջաւ ծօ ճնթար թւ.

Ոժ ծօնօ ւր սրրաճ Կե ւնá Կրսճ ԲսԾօւն, օսւր ԼսáԿ-

If it was to consume grass alone *the land was let*, this is *as if* a man placed seven cows on the land of another; he leaves one cow of the seven<sup>a</sup> at the end of a year as rent. And it is the one-eighth of the value of a cow for an indefinite number of sheep<sup>b</sup>. The cow and the sheep are of the same value as *regards* the rent in this case. And the proper rent is the equivalent of one-seventh, and the one-eighth to be added to it, and one-eighth to be added on account of the sheep.

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<sup>a</sup> Ir. *The seventh cow.*

<sup>b</sup> Ir. *Sheep not brought forward.*

<sup>c</sup> Ir. *To.*

If the land was let for the consumption of its grass and water, and it was stipulated that it should not be ploughed, five 'seds' *is the fine* for it (*ploughing the land*); and the produce of the tilling, with the seed, shall be forfeited by a native freeman; the half of five 'seds,' and the produce of the tilling, with the seed, shall be forfeited by a stranger; the fourth of five 'seds' and the produce of the tilling, with the seed, shall be forfeited by a foreigner; the product of the tilling, with the seed, by a 'daer'-man.

If the non-ploughing of it was not stipulated at all he (*the tenant*) is safe in ploughing it, provided the owner does not seize it (*the crop*) in the rick or standing; and should he seize it, every part of his property which the rightful owner finds before him on his land is forfeited to him.

A stipulated hire is *agreed on* between the first *mentioned* native freeman and the stranger in this case; and hire according to law is between the latter *mentioned* native freeman and the latter stranger; and if it was hire according to law that had been between the first *mentioned* native freeman and the stranger, it is the first *mentioned* native freeman that would have obtained the one-third.

What stranger is he who has one-half by right? A native freeman who left his property in his own territory and went out into another territory; his 'body'-fine is reduced to one-half. If a native freeman *of those living outside the territory* has injured him, he has half 'body'-fine and half honor-price for every *such* injury which is done to him.

Or he (*who is entitled to one-half*) is a native freeman

Ծօրաւծ թօ քօջաւ ըր առն ; Լեւի Կօրքօյն օսը Լե՛ւե-  
ժանն ծօ ինծ.

Ի՞ն ինձաւ աւա ին տըրա՛ծ ար քերան քօ՛րաւա, ին ծօրաւծ  
Բնա՛ծ ըս լօր անոն, իր էրան քրի՛սնաւա ծօ Բօր Լօր  
ամա՛ւ, օսը էրան տրօ քա՛ւար էալլ. քօ՛րաւ արա՛յցի  
ուլ տըր Ի՛ն ծօրաւծ օսը ին տըրա՛ծ անօրն, սար ծա մա՛ծ  
քօ՛րաւ ծօ ըօր ծլօցի՛ծ իր Ե սըրա՛ծ Բնաւծ ին քերանն թօ  
Բերա՛ծ ին էրան.

Մա՛ծ թօ ին ծօրաւծ ւալ ար քերան ըստօլը ին սըրաւծ  
Բնա՛ծ քսար տալլ, էրան Բնաւծ օսը էրան տրօ քա՛ւար  
տալլ ; օսը էրան քրի՛սնաւա ծօ Բօր Լօր ամա՛ւ.

Երօւթեմնար օսը իմծեմա՛ւ ծօն սըրա՛ծ քօրն ծօրաւծ,  
օսը էրան Կօրքօյն ծօ Բյա՛ւ ծօ, օսը քե՛ւտա՛ծ ա մար-  
Կօրքօյն ; օսը ա տօ՛ւա՛ծ ւալ ծօ Բրօւթ ծօ, մնա՛ ւալ  
Բերա՛ւ ծօ թօ քրի՛սնաւա.

Օ քա՛ւար ին ծօնո՛ւ ծար ին ժա՛ծ թօ ծար ին Կօրա՛ծ իր  
նքա՛ ծօ, ա՛ւ ծօ տա՛ւար քա՛ւ քստը ծօ օսը քերան  
քստը, իր քստը իր քա՛ւ թօ, օսը քօ՛րնա՛ւ քստը սա՛ծ.  
Օսը իր Ե աւի՛ն ու քստը : Եւ մօր նօւի Կւնցիւթը ար,  
իր Եւն ծօ ին քա՛ւ տարօ՛ւ սա՛ծ, թօ ին քերան քա՛ւաւ.  
Օսը Եւ քա՛ւ Բօր ա՛ւն քօ՛րնա՛ւ իր Եւն ծօ ին քերան  
քա՛ւաւ թօ ծօնծ. Օսը Կւ քօւթ ա քա՛ւ. Օսը Եւ մօր  
նօւի մէսը ար, նօւա նօւն ծօ ա՛ւ աւիցն Կա՛ւ նօւի  
մէսը տօ թօ Կօր Լօւ ժա՛ւ, թօ տա՛ւա՛ւ իս Լօւրն  
ժա՛ւ.

<sup>1</sup> *A stipulated hire.*—That is, a definite rent.

<sup>2</sup> *Hire according to law.*—The meaning would appear to be, that the compensa-  
tion for occupation was left to be fixed by law between the parties, in the case.

<sup>3</sup> *Judgment and proof.*—The native freeman was allowed to prove his own charge  
against the stranger, and pronounce judgment upon it. A chief had the same  
power over his 'daer'-stock tenant and a church over tenants of church-lands.  
Vid. *Senchus Mor*, Vol. II., p. 345.



in his own territory, and a passing stranger has injured him there; he shall have half body-fine and half honor-price for it (*the injury*). THE BOOK  
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In the case in which a native freeman is upon hired land, and it is the owner *who is a stranger* that has brought him in with him, he (*the native freeman*) brings out with him one-third for *his* service, and he leaves within (*behind him on the land*) one-third for the land. In this case it is a stipulated hire<sup>1</sup> that is between the stranger and the native owner, for if it were hire according to law<sup>2</sup> it is the native owner of the land that would get the one-third.

If it is the stranger that is upon the rightful land of the original native owner that he found within (*on the land*), he (*the stranger*) leaves one-third for the original owner and one-third for the land within (*on the land*); and it is one-third for *his* service that he brings with him out.

The native freeman has judgment and proof<sup>3</sup> as against the stranger, and he takes one-third of his *life* body-fine, and the seventh of his death body-fine; and he takes all his (*the stranger's*) effects at *his death*, unless there is a 'bescna'-compact between him (*the native freeman*) and the family of *the stranger*.

When a person has gone beyond the ditch or beyond the fence that is next to him, if the stock of a 'fuidhir'-tenant<sup>4</sup> and the land of a 'fuidhir'-tenant have been given to him *by the landlord*, he is to be called a 'fuidhir'-tenant, and the service of a 'fuidhir'-tenant is *required* from him. And a 'fuidhir'-tenant is of this kind:—however great the thing may be which is required of him, he must *render it*, or return the stock, or quit the land. And however long he may have been in the service he must quit the land at length. And his stock is five 'seds.' And though much he may fail *in the repayment*, he is not compelled to do more than make restitution for what he fails in until he absconds, or double *restitution* after absconding.

<sup>4</sup> 'Fuidhir'-tenant.—The social position of a 'fuidhir'-tenant appears to have been intermediate between that of a 'daer'-stock tenant and a 'daer'-person.

c. 1391. Ὁ μοις, ἀρα περὶ ἐν τῷ πορ τῶν αἰθῶν, [οὐκ ἐν  
 τῶν αἰθῶν πορ τῷ πορ].

[illegible]

Ծեփմա՛ծ քե՛ հեյ՛գայքե՛ մ յայ՛րօ, օսո՛ւր մի՛ քե՛ մոջ՛լօտ. օսո՛ւր յայ՛րօ ճա՛տո՛ւս քո՛ ; օսո՛ւր ծա՛մա՛ծ յայ՛րօ ԲՈՒ ԼՅՁԱ յայ՛ր, մ յայ՛մքայ՛նո՛ւ չա՛քս մ ծեփմա՛ծ ո՛ր մի՛ քո՛ ճա՛ծայ՛ն օրօ՛ւս է մ յայ՛մքայ՛նո՛ւ քո՛ չա՛քս ք մ յայ՛րօ՛ Ե՛. մ ո՛ր ԲՈՒ քե՛ հեյ՛գայքե՛, օսո՛ւր ա՛յլ ծեփ՛ քե՛ մոջ՛լօտ ; ո՛ր օրօ՛ւս ծեփմա՛ծ քե՛ հեյ՛գայքե՛ ԿԱ՛ յայ՛րօ [ա՛յլ], օսո՛ւր ա՛յլ ծեփ՛ քե՛ մոջ՛լօտ.

Անք [o] լսէ թո ծաւ ու բիր ամառի, օգուր ու ծու ու բիր  
ամառ, օգուր տառի թո [բ] սառնուցիք թե թեւառի, Լեռն ո  
լսէ ամառ, օգուր Լեռն արքա ո տառի ամառ, օգուր Լեռն ու  
տառի թո լսէ:

A person has judgment and proof and evidence<sup>1</sup> as against his 'fuidhir'-tenant, the same as one would have against his 'daer'-stock tenant; and he gets the third of his life body-fine and the seventh of his death body-fine.

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AICILL.  
—

My son, that thou mayest know when the crime of the king is *visited* upon the people, and the crime of the people is *visited* upon the king.

Viz., *it is the king that proclaims 'cain'-law and 'cairde'-regulations always, and the people that oftenest disturb them. The 'cairde'-regulations command full fine before ten days in case of knowledge, and half fine in case of ignorance; full fine after ten days, whether with knowledge or ignorance. The person who is bound to furnish the information is he who pays the full fine or the half fine; and there is no hostage<sup>a</sup> out (to the other party) after ten days, and there is no hostage<sup>a</sup> to the king until his (the king's) hand has been emptied by the paying of the fine.*

<sup>a</sup> Ir. Hostage-pledge.

*There are ten days for proclaiming the 'cairde'-regulations, and a month for ratifying them. And this is the rule in the case of 'cairde'-regulations for a year; and if it be a case of 'cairde'-regulations for a shorter time than that, the proportion which the ten days or the month bears to the year is the proportion which it (the shorter time for proclamation) will bear to the shorter duration of the 'cairde'-regulations. This is what shall be for proclamation, and twelve days for ratifying them; or, there are ten days for proclaiming all 'cairde'-regulations of whatever duration, and twelve days for their ratification.*

If it was the king that was bound to send the information out, and he did not send out the information, and if the people violated it (the 'cairde'-regulation) before ten days, *there is half fine from the king out (to the other party) and a hostage<sup>b</sup> due from the people out (to the other party), and a hostage<sup>c</sup> from the people to the king.*

<sup>b</sup> Ir. Half-hostage pledge.  
<sup>c</sup> Ir. Half.

<sup>1</sup> *And evidence.*—That is, he can get his own people to give evidence against him, the 'fuidhir'-tenant having no power of producing counter-evidence.

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C. 1727. **Μαρ ο τυαιτ πο θαλ फिर amach पे नवेचमाई, [ocur  
त्वात् पो पूात्तनाई], लेित्थिच ocup leth अप्पा ο τυαιत  
amach, ocup noco नुल अप्पा वो पूङ्ग उअर नार ठिङ्गाठ α  
lam.**

[M]α θα cobair मार अण, conat cethruime फिच ο  
ceṭṭar वे amach, ιρ leṭ अप्पा ο τυαιत amach ocup leṭ  
अप्पा ο τυαιत ठण पूङ्ग.

C. 1728. **चिठ फोठेरा in baīl ιρ cethruime फिच nach ceth-  
ruime अप्पा ना बिठ अण? 1पे फात् फोठेरा, [cethru हात्तिर  
वो चुपर चरान्ण, वीअर वोब वीα लुङ्गा]. 1पे ε lan अप्पा ना  
चिठिठो वीअर, ιρ e α leṭ अप्पा अण फेर; ocup noco फेत्तर  
नोठेरी in अण फिर वो फोणठ, ocup θα फेत्ता, amuil ιρ ceth-  
ruime पैच, पूो बाठ cethruime अप्पा.**

**Μαρ ο पूङ्ग पो θαλ फिर amach 1अर नवेचमाई, ocup  
त्वात् पो पूात्तनाई 1अर नवेचमाई, lan फिच ο पूङ्ग amach ocup  
lan अप्पा δ तुवात् ठण पूङ्ग; नो ιρ बिठ cen अप्पा amach,  
C. 1728. [उअर फाण्ण in lan cenā].**

C. 1728. **Μαρ ο τυαιत πο θαλ फिर amach, 1अर नवेचमाई, [ocup  
C. 1728. त्वात् पो पूात्तनाई], lan फिच ο τυαιत amach [ocup noco  
nécen अप्पा वो पूङ्ग ठी ना पो ठिङ्गाठ α lāñ].**

C. 1728. **α θα comair मार अण [co. hinat] अरिठि 1अर नवेचमाई  
C. 1728. [ocup त्वात् पो पूात्तनाई], leṭ फिच ο ceṭṭar वे amach,  
C. 1728. ocup ιρ let अप्पा ο τυात् वो पूङ्ग, ocup ιρ बिठ cen अप्पा  
amach, [उअर पो फात्त in lān cenā imāṭ].**

<sup>1</sup> *If they were both equally in fault.*—For “Mα θα cobair” C. 1727 reads  
“मार θα comair, if of their joint knowledge.”

<sup>2</sup> *If they were both.*—For “α θα comair” the reading in C. 1728 is “मार θα  
comair, if of their joint knowledge.”

<sup>3</sup> *To a certain place.*—For “co inat aṛit.” C. 1728, has “co hinat upṛaṭta,  
to an appointed place.”



If it was the people that were bound to send the information out before ten days, and the people violated the 'cairde'-regulations, there is half fine and a hostage<sup>a</sup> due from the people out (to the other party), and there is no hostage<sup>b</sup> due to the king because his hand was not emptied.

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—  
<sup>a</sup> Ir. Half-  
hostage  
pledge.  
<sup>b</sup> Ir. Host-  
age-pledge.

If they were both equally in fault,<sup>1</sup> one-fourth fine is due from each of them out (to the other party), a hostage<sup>a</sup> from the people out (to the other party), and a hostage<sup>a</sup> from the people to the king.

What is the reason that where it is one-fourth fine it should not be one-fourth hostage-pledge also? The reason is, four hostages cast lots—two of them to be selected. Two men are the king's full hostage-pledge in 'cairde'-regulations, and one man is his half hostage-pledge; but the person of the one man cannot be divided, and if it could, as it is one-fourth fine, it would be one-fourth hostage-pledge also.

If it is the king that was bound to send the information out (to the other party) after ten days, and he did not send the information out, and the people violated the 'cairde'-regulations after ten days, there is full fine from the king to the other party<sup>c</sup> and full hostage-pledge from the people to the king; or, according to others, there is to be no hostage to the other party,<sup>c</sup> because the full hostage-pledge has been received by the other party already.

<sup>c</sup> Ir. Out.

If it was the people that were bound to send the information out, and did not send the information until after ten days, and if it was the people that violated the 'cairde'-regulations, full fine is due from the people to the other party,<sup>c</sup> and it is not necessary to give a hostage<sup>b</sup> to the king as his hand was not emptied by paying the fine.

If they were both<sup>2</sup> (king and people) equally in fault in having delayed to send the information out to a certain place<sup>3</sup> after ten days, and if the people violated the 'cairde'-regulations, there is half fine due from both to the other party,<sup>c</sup> and a hostage from the people to the king, but there is no hostage to be sent to the other party<sup>c</sup> because the full amount due had been sent to the other party<sup>c</sup> already.

THE BOOK OF AICHEL. Ա մեւ, արա բերք բեր բեռնա 1 necoroc ուր, [ocur ուրեք 1 necoroc բր բեռնա.

C. 13:1.

Լե՛ք բա՛ւ զօ շարժ, Լա՛ւո շարժա՛մե զօն շարժա՛ն շարժ  
in ecorca 1 mbi].

.1. noco դիւլ բա՛ւ մա՛նցն ին արա՛ւ զօ շարժ զօ ուրե՛ք  
1 բի՛ւ ուրե՛ք, ո զօ ուրե՛ք ին բի՛ւ շարժ. Ա՛ւա բա՛ւ  
մա՛նցն ocur արա՛ւ շարժ ուրե՛ք 1 բի՛ւ ին արա՛ւ, ո  
ուրե՛ք ին բի՛ւ շարժ շարժ. Ե՛նո: noco ուլ բա՛ւ  
մա՛նցն ին արա՛ւ զօ շարժ 1 ուլ զօ շարժ բա՛ւ  
ուրե՛ք, ocur noco ուլ շարժ զօ ո զօ բա՛ւ զօ բա՛ւ;  
ocur զօ բա՛ւ, ին արա՛ւ զօ շարժ մա՛ւ ուրե՛ք բա՛ւ,  
ո ին արա՛ւ ուլ մա՛ւ ուրե՛ք շարժ.

Մա՛ւ զօ մա՛ւ ուրե՛ք զօ շարժ ocur ուրե՛ք. զօ  
բա՛ւ զօ մա՛ւ, բա՛ւ մա՛նցն ocur արա՛ւ շարժ  
ուրե՛ք բա՛ւ 1 ուրե՛ք; ocur բա՛ւ ին ուրե՛ք զօ բա՛ւ  
առն զօ մա՛ւ զօ շարժ մա՛ւ ուրե՛ք բա՛ւ, ո  
ուլ մա՛ւ ուրե՛ք շարժ.

Մա՛ւ զօ մա՛ւ ուրե՛ք զօ շարժ ocur ուրե՛ք ո  
արա՛ւ, noco ուլ բա՛ւ մա՛նցն ին արա՛ւ զօ  
ուրե՛ք ուր 1 ուրե՛ք մա՛ւ; ocur Լե՛ք ուրե՛ք շարժ  
C. 1729. ուր ին ուրե՛ք ո մա՛ւ [1. Լե՛ք ուրե՛ք ocur Լե՛ք  
eneclann, ocur բա՛ւ Լե՛ք ուրե՛ք ocur բա՛ւ Լե՛ք eneclann,  
զօ ուր ին բի՛ւ շարժ ո մա՛ւ է, ա՛ւ ա բի՛ւ ուրե՛ք,  
ոն շարժա՛ւն բա՛ւ, ocur ու է ու Լե՛ք բա՛ւ զօ ուրե՛ք  
Լա՛ւ].

<sup>1</sup> In the person of.—That is, occupies legally the position of, &c.

<sup>2</sup> In respect of place, i.e. in which the act was committed.

<sup>3</sup> Intention, i.e. intentional wrong, or malicious act or attempt.

My son, that thou mayest know when a lawful man is in the person<sup>1</sup> of an outlaw, and an outlaw in the person of a lawful man.

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Half fine to the first, a full fourth to the last for the position in which he is.

That is, there is no fine *in respect* of place<sup>2</sup> or of intention<sup>3</sup> from any one to an outlaw *injured* in the person of *another* outlaw, or to an outlaw *injured* in his own *proper* person. There is a fine *in respect* of place and of intention from one to a lawful man *injured* in the person of *another* lawful man, or to a lawful man *injured* in his own *proper* person. That is: there is no fine *in respect* of place or of intention from one in going to do injury to an outlaw, and there is no 'eric'-fine *due* to him (*the outlaw*) until the actual wrong has been done; and when it has been done, he (*the man doing the wrong act*) is exempt as far as one-third, if he (*the man on whom the deed is done*) be one on whom it is right to inflict the retaliation of an injury,<sup>a</sup> or altogether exempt, if he be a condemned outlaw.<sup>b</sup>

<sup>a</sup> Ir. One guilty of retaliation.  
<sup>b</sup> Ir. One guilty of death.

If he had gone to kill a lawful man and happened to kill an outlaw, a fine *in respect* of place and of intention *is due* from him to the lawful man against whom he went; and for killing the outlaw who happened to be there, there is exemption as far as one-third (*of the penalty*), if he (*the man killed*) be one on whom it is lawful to inflict the retaliation of an injury,<sup>a</sup> or entire *exemption* if he be a condemned outlaw.<sup>b</sup>

If he had gone to kill an outlaw and killed a lawful man, there is no fine *in respect* of place or of intention *due* to the outlaw whom he had gone to kill; but half body-fine *is due* of him for the lawful man who was killed, *i.e.*, half body-fine, and half honor-price, and proof *must be given* as regards the *other* half body-fine and half honor-price, that it was not in his own person he was killed, but in the person of an outlaw without the power of restraining him; and this (*the proof of the fact*) is *equivalent* to the half fine due of the first man of full *privilege*.<sup>4</sup>

<sup>4</sup> *Man of full privilege*, *i.e.* a person entitled to full honor-price, restitution, and body-fine.





When is a man entitled to 'eric'-fine for intention? THE BOOK OF AICILL.

The case in which the 'eric'-fine for intention is *due* by a man is when he went to do injury to a lawful man in his own *proper* person, and the injury which he designed to inflict upon him did not take effect; and if it took effect, the inflicting or the intention would make no difference with respect to the 'eric'-fine.

If one went with the intention to kill a lawful man, and inflicted a wound on the body of a lawful man, if it was a case of blood-shedding, or a wound blood-shedding up,<sup>1</sup> or blood-shedding only, the full body-fine for killing shall be *paid by him* for it. (It is in this case that full body-fine is *due* for intentional blood-shedding in 'urradhus'-law.)

If it was a wound from blood-shedding down,<sup>2</sup> half the body-fine for killing is *due* for it.

Killing was intended in each of these instances. If a wound *has been inflicted* on the body, and if he took with him the intention of *inflicting* a particular wound, and if it be that wound or a greater wound that he inflicted, it (*the fine*) is graduated according to the intention until it (*the great wound*) takes effect;<sup>3</sup> a seventh for intention, one-half for going to the place, and the body-fine for inflicting the wound, when the deed has been committed; and it is not for the smaller wound which he inflicted *he pays*; whichever of them is greatest, the fine for *going to* the place, or the fine for the intention of the wound which he wished to inflict, or the 'eric'-fine for inflicting the wound which he *actually* inflicted, that is the 'eric'-fine which shall be upon him.

If one went to inflict a death-maim<sup>4</sup> and inflicted only blood-shedding, or a small wound, if it be a wound from blood-shedding up, there is the full 'eric'-fine for a death-maim *for it*; if it be a wound from blood-shedding down, there is half the 'eric'-fine for a death-maim *due for it*.

<sup>4</sup> *Death-maim*.—The "επολις μαιη, death-maim," does not mean a wound which causes death, but a wound the evil effects of which remain as long as the wounded person lives.

THE BOOK OF AICILI. — **ՄԱՅԻ ՊԵՐԵՂԱՅԻՆ ՇԵՐԻԾԵ ԲԻՇԵ ՉՈՑ ԿԱԻԾ ՕՍՄԻ ՇԵԾՆ ԵՐԻ ՄՈՐ ՈՐ ՔԵՐԱՂԵԱՐ, Ա ՈՃԱ ՉՈՆ ՔԻՐ ԱՐ ԱՐ ՔԵՐԱԾ ԻՆ ՇԵԾՆ ԵՐԻ ԻՆ ԿՈՄԲՈՒԱԼ ԵՐԻՈՒ ԱՐ ԵՐԻՍ ԲՈՐՈՒԱՅ ՈՐ ՇԵՐԻԾԵ ԲԻՇԱՐ ԱԾ, ՈՐ ԻՆ ԼԱՆ ՔԻԱՇ ՈՐ ՇԵՐԻԾԵ ՄՈՐԻՔ ԵՐԻ ԿՈՄԲՈՒԱԼ ԵՐԻՈՒ ՍՐԻՍ.**

ՄԱՐ ՊԵՐԵՂԱՅԻՆ ՇԵՐԻԾԵ ԲԻՇԱՐ, ՄԱՆԱ ՔԱՐԱՂԵԱՐ ԻՆՈՒՇԻՄ ՇԵՐԻԾԵ ԱՐԻՇԵ ԼԵՐ, ԵՐՈՒ ԵՐՈՒ ՇԵՐԱՐ ԻՐ ԼԱՆ ՔԻԱՇ ՈՐ ՇԵՐԻԾԵ ՔԻՆ ԱԾ.]

- C. 1926. [ՄԱՆԵ ՈՐ ՔԵՐԱՂԵԱՐ ՇԵՐՆ ԵՐԻ, ԻՐ ԿՈՄԲՈՒԱԼ ԵՐԻՈՒ ԱՐ ԵՐԻՍ ԲՈՐԱՅ ՈՐ ՇԵՐԻԾԵ ԻՐ ԼՍԱ ՔՈՃԱԲԱՐ Ա ԼԻՍԲԱՐ ԱԾ, ՈՐ ԱՐ ԵՐԻՍ ՈՐ ՇԵՐԻԾԵ ԻՐ ՄՈՒ ԱԼ Ա ԼԻՍԲԱՐ ԱԾ [.1.] ԱՐ ԵՐԻՍ ԻՆԱ ԵՐՈՒՅԻ ԲԱՐԻ .1. ՍԻՆՅԵ ԻՆԱ ԲԱՆԲԵՐԻՄ, ՕՍՄԻ ՔԵՇՏԱՐՈՒ ՕՒԴ. 2343. [ԿՈՐԲՈՒՐԵ ՈՐ ՇԵՐԻԾԵ ՔԵՐԻՆ] ԻՆԱ ԻՄԲԱՐԱՐՈՒ, ՕՍՄԻ ԼԵՇ ԱՐ ՈՒՍԼ ՏՍ ՄԱՅԻՆ. ՕՍՄԻ ԻՐԻ Ի ՔԻՆ ԻՆ ՇԵՐՆ ԲՈՒԱՅ, ՕՍՄԻ ԿՈՄԲՈՒԱԼ ԵՐԻՈՒ ՍՐԻՍ. ՈՐ ԿՈՄԱՐ ԵՐԱՆՆԵՐԻՍ ԵՐԱՐԻՍ ; ՈՐ ԿՈՄԱՐ ՔԻՆՈՆ ԱՐ ՉՈՒ, [ՏԻՆՈՒՄՈՒ ԼՍԻՅԻ.]
- C. 1731.

ՄԱՆԱ ՔԱՐ [ԻՆՇԵՐԵՆՆ] ՇԵՐԻՈՒ ԵՐԻՐ ԼԵՐ, ԱՇՏ ՔՈՃԱԼ ՉՈՒ ՉԵՆԱՄ, ՄԱՐ ՈՐ ՔԵՐԱՂԵԱՐ ՇԵՐՆ, ԵՐԻՍ ԲՈՒԱՅ ՈՐ ՇԵՐԻԾԵ ՔԻՆ ԱԾ.

- C. 1526. [ՉՈՒՆԵ ՉՈՒ ՇԵՐՆ ԻՆՇԻՐԵՇ ԿՈ ՄԱՅԻՆ ԱՆՆԻՐԻՆ, ՕՍՄԻ ՉՈՒ ՔԱԼԱ ՉԻՐԵՇ ՉՈՒ ՕՍՄԻ ՈՐ ՄԱՐԲԱՂԵԱՐ ԵՐ, ՔԱՇ ՄԱՐՈՆԵ ԱԾ ՉՈՒ ՇԵՐԻԾԵ ՔԻՆ Ա ՈՒՇԵՐՈՒ, ՕՍՄԻ ՇԵՐԱՐԻՄԵ ԿՈՐԲՈՒՐԵ ԿԱՆԱ, ԻՆՈՆՆ ՕՍՄԻ ԼԵՇ ԿՈՐԲՈՒՐԻ ՍՐԱՐԱՐԻ. ՈՐ ԻՐ ՔՈՐ ՉԵՐԱԻԾ ՉՈՒ ՇԵՐՆ, ՕՍՄԻ ՇԵՐԱՐԻՄԵ ԿՈՐԲՈՒՐԻ ԻՆ ՍՐԱՐՈՒ ԼԵՇ ԿՈՐԲՈՒՐԻ ԻՆ ՉԵՐԱՐՈՒ. ՕՍՄԻ ՔԻՐ ՔՈՆ ԼԵՇ ԿՈՐԲՈՒՐԻ, ՏՍՐ Ա ՔԱՇ ՉԻՐԻՅ ՈՐ ՄԱՐԾ ԵՐ.]

- C. 1927. [Ա ՄԵՐԻ, ԱՐԱ ՔԵՐԵՐ ԱԵՆՔԵԱՐ Ի ՄԱՄ ՈՒՇԻՐԵ, ՕՍՄԻ ՉԻԱՐ Ի ՄԱՄ ԱԵՆ ՔԻՐ; ՔԵԱՐ ԿՈՅԱԻԾ ՉԵՐԵ, ՈՐ ՇԵՐԵ, ՉԵՐԵ,

<sup>1</sup> The white blow.—That is, a blow which does not draw blood.

<sup>2</sup> Or lots are to be cast between them.—That is, as to which of the two fines is to

If one went to inflict a small wound and inflicted a great wound, the man on whom the great wound was inflicted has his choice whether he (*the assailant*) shall pay an 'eric'-fine graduated according to the wound intended to be inflicted, or full fine for the great wound without any graduation according to intention as regards it.

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If one went to inflict a wound, but had not the intention of inflicting a particular wound, whatever wound he inflicts he pays the full fine for that wound.

If one has not inflicted any wound at all, *though he intended it*, he pays an 'eric'-fine graduated according to the intention of inflicting the smallest wound which is found in the book, (or, *as some say*, the 'eric'-fine for the greatest wound that is *mentioned* in the book), i.e. the 'eric'-fine for a death-maim; i.e. an ounce for the white blow,<sup>1</sup> and one-seventh of body-fine for intention of *inflicting* that wound, and one-half for going to the place. And this is the *case of the wound actually* inflicted, and the graduation of intention is applicable<sup>a</sup> to it. Or lots are to be cast between them;<sup>2</sup> <sup>a</sup>Ir. *Upon*. or it is to be division in two, i.e. besides oath.

If one did not intend to *inflict* any wound, but only to commit trespass, and if he has inflicted a wound, the 'eric'-fine for inflicting that wound shall be *paid* by him.

In this case a person went to a place for *the purpose of killing* an innocent man, and he met a guilty man and killed him, fine in respect of place *is due* by him to the innocent person against whom he went, (and that is the one-fourth of body-fine in 'cain'-law, equal to half body-fine in 'urradhus'-law). Or it was against a stranger he went, and the fourth of the body-fine of a native is half the body-fine of a stranger. And *he must give* proof respecting the half body-fine, that it was in the person of a culprit he killed him (*the stranger*).

My son, that thou mayest know when one man is legally considered as two,<sup>b</sup> and two are legally con-

<sup>b</sup>Ir. *In the condition of two.*

be levied, whether the full 'eric'-fine, or the lesser with a graduated rate of increase; or the average of the two modes of computation is struck.

THE BOOK OF ARCELL .i. dá ghráð tar eise in aen ghráð ber airtiu], no diaf  
1 naentaillainn forr tiri naenfir.

C. 1327. [Al meic .i. a meic co raib a fir bnet acat in inbairt bir in taenfean  
fo moam no fo ghrá na deise, in taenfean tar eise in dá boaire  
meonad a raib loise ened. Ir aise do nithen in cennad fo do na  
ghraib ar vaig locta rina vabail. Ocu r diaf i mam aenfir .i.  
diaf fo maam no fo ghrá in aenfir, fic et occ. Fean congairt deise  
.i. fean congairt deise, na dá boaire meonada, .i. in taenfean. No  
treise .i. na tri oairne ir feir. .i. dá ghrá .i. na dá boaire meonada  
tar eise in aenghrair ar aise na cae fer oib, in taenfean .i. inghrair,  
airedean in tarra boaire ocu ber comairt rina noir. No diaf in  
aen taillainn .i. no diaf forr ferant in aenfir, ocu taill ann iat,  
in poltae rair, ocu an carbat ar imram .i. in bobruagad.

In poltae rair .i. ir i polairt bir aise in tiri bir rae  
.i. ferann aise ocu noea rruil erod; in carbat ar imram  
.i. erod aiseirde ocu noea rruil ferann.]

C. 1328-9. .i. In poltach rairime ocu in carpat ar imram ir é  
a naichmeirde: tír ceirí ríet cumal ac in tarra de, ocu  
ceirí ba ríchit ac araire, ocu comairt do maot ó bell-  
taine co belltaine. [Ocu eise ríat beir i necmair a ceirí  
noea rruil enecclann do neoc oib an ecmair a ceirí no co  
noernat in coirdele atá do ríer olíghí, [ocu o do ghenat],  
beirí cae oib eir ocu oib araire; ocu gabar athga-  
bail caich i eirair araire. Ocu muna dernat in coirdele  
atá do ríer olíghí, ní beirí nee oib eir na oib araire  
Ocu ó do ghenat in coirdele atá enecclann in ghráir íra  
riabla tocuir uil acu oib .i. in boaire meonad. Ocu  
ir amlaib itairde oib co na dá ceirí maíra rir do

<sup>1</sup> The 'aire-desa'-chief.—That is, the 'aire-desa'-chief who has property equal  
to that which would qualify two men to be 'bo-aire'-chiefs, is for purposes of com-  
purgation, &c., equivalent to two 'bo-aire'-chiefs.

<sup>2</sup> 'Carbat-ar-imram'-stock-owner.—The term 'carbat-ar-imram' means liter-  
ally 'moving chariot.'



sidered as one man ; *this occurs in the case of a man* THE BOOK OF AICILL. —  
 who possesses two or three ranks, i.e. two lower ranks in place of one higher rank, or two persons possess-  
 ing one holding upon the land of one man *are re-* \*Ir. In.  
*garded as one person.*

My son: i.e. O son, that thou mayest know the judgment when one man is legally considered, or held responsible as, two persons, i.e. the 'aire-desa'-chief<sup>1</sup> equal to two middle 'bo-aire'-chiefs in the proofs of honor-price. The reason that this interchange is made of the grades is for the purpose of obtaining compurgators. And two are legally considered as one man, i.e. two are legally considered or held as one man, sic et occ. A man who possesses two, i.e. a man who holds two ranks, *those* of the two middle 'bo-aire'-chiefs, i.e. the 'aire-desa'-chief. Or three, i.e. the three best 'ogaire'-chiefs. That is, two ranks, i.e. the two middle 'bo-aire'-chiefs are equal to one rank higher than either man of them, i.e. the 'aire-desa'-chief, he has the status of the two 'bo-aire'-chiefs in *compurgation*, and he is as high as both of them. Or two persons possessing one holding, i.e. or two upon the land of one man, and they fit on it, i.e. the 'foltach fuithrime'-holder and the 'carbat-ar-imramh'-stock-owner,<sup>2</sup> i.e. the cow-'brughadh.'

The 'foltach-fuithrime'-holder, i.e. the *only* property he has is the land which is under him, i.e. he has land but has not cattle; the 'carbat ar imramh'-stock-owner, i.e. he has cattle, but not land.

That is, the 'foltach fuithrime'-holder and the 'carpat ar imramh'-stock-owner are of this kind; the one has land of the value of four times seven 'cumhals,' and the other has twenty-four cows, and they make an agreement *to remain together* from May to May. And how long soever they may be apart from one another there is no honor-price due to one of them in the absence of the other unless they make a legal contract,<sup>b</sup> and when they do make a *legal contract*, they each bear the liabilities and *gain a title* to the effects of the other; and each of them is distrainable for the liabilities of the other. But if they have not made *such* a legal contract,<sup>b</sup> neither of them bears the liabilities of the other or *gains a title* to the effects of the other. And when they have made such *legal contract* they are entitled to the honor-price of the grade double whose property they possess, i.e. the middle 'bo-aire'-chief. And it is for this reason they have this because they do twice as much good with it (*their property*)

<sup>b</sup>Ir. A contract that is according to law.

THE BOOK OF AICILL. deinum; no coibair nír in mboairne ír fearr namá; ocuī muna dēpnat, nī fuil doib oet rēpall. Ocuī dā mbeit fēpnann fōđpaca con caprat ar imram, ír lan enecclann do cinmotha ođtmaro a enecclainne.]

Ciō fōđpaca nach hī enecclann in gnaio ara tođur com-lan uil aca doib .i. enecclann in boairnech ír fēpn? Ír e fāt fōđpaca: fēpīpīpī imfcair po bī etarra, uair muna beith íreo po biađ doib. Ocuī o fēpait, ocuī o na biat imale, noco nfuil nī doib ađt rēpall a niothpacaí, mára inoiraic; ocuī munab inoiraic, noco nfuil ní.

C. 1929. [Nođa nfuil enecclann do neoc dīđ a fēpāin cneide fop corp a dēile, ađt mana poib a dualgur đairpura claeđ-moide.]

Mā po gatait feoit uaitiōb nír in pé rin, enecclann do ceđtar de ann po aicneo lai no cleitī, ocuī in cutpuma atā ar fcath lađta ocuī gnimraib do dīp ocuī daitgīn na fēt do comraio doib etarra, ocuī a fuil ann o ta rin [amach] do bīpīth don caprat ar imram.

C. 1733. [Nođa nfuil enecclann do neoch oib a ngait fēoit a ceilī, ađt maine raib a dualgur lađta, no gnimraib, no maiđne, no aīđne, no fēpnainne.]

C. 1930. [Māra dualgur coñaitne, leđ a maiđin, ocuī an aenmar pānn fīđt a fēđtar maiđin.] Mār a dualgur maiđne, lan a pāpnairne, ocuī leđ a maiđin, ocuī in aénmar pānn fīchit a fēđtar maiđin; ocuī ír leir fēin in fēpnann [a fēđtar maiđin] annīn, uair munab leir noco nfuil ní ino.

C. 1930. [Māra pet aca ta lađt no gnimraib tallāđ anō, enecclann po lu no po cleitē don poltach fūitpūde ar pon

<sup>1</sup> *Half-fine for precinct.*—That is if the cattle be stolen from an enclosed field, or place of lawful security; 'extern of precinct' means any place outside such enclosure.

as he, or as much only as the best 'bo-aire'-chief; but unless they do so they are entitled but to a 'screpall.' If however the 'carpat ar imramh'-stock-owner has hired land, he has full honor-price except one-eighth of his honor-price.

What is the reason that they have not the honor-price of the grade whose full property they possess, i.e. honor-price of the best 'bo-aire'-chief? The reason of it is: there was an expectation of separation between them, for if there were not, it is that (*the rank of the 'bo-aire'-chief*) they would have. And when they do separate, and are not *any longer* together, they are entitled to nothing but a 'screpall' for their worthiness, if they be worthy; and if they be not worthy, they are not entitled to anything.

There is no honor-price *due* to one of them for the infliction of a wound on the body of the other, unless it be in right of mutual friendship.

If 'seds' have been stolen from them during that time, each of them shall have honor-price for it according to the nature of minor or major *value*; and the proportion of the 'dire'-fine or restitution of the 'seds,' which is in lieu of the milk and work, is to be divided equally between them, and all that remains from that out is to be taken by the 'carbat ar imramh'-stock-owner.

There is no honor-price due to one of them for the stealing of the 'seds' of the other, unless it be in right of milk, or work, or *breach of precinct*, or *cattle entrusted to his charge*, or land.

If the honor-price is claimed in right of joint charge, half-fine is due for precinct<sup>1</sup> (*enclosed field*), and the one twenty-first for extern of precinct. If the honor-price is claimed in right of precinct, full fine is due for presence,<sup>2</sup> half for precinct, and the one and twentieth for extern of precinct; and the land is his own (*the 'foltach-fuithrime's*) as regards extern of precinct in this case, for if it be not his, there is nothing due.

If it be a beast that gives<sup>a</sup> milk or is capable of work that has been stolen, the 'foltach fuithribhe'-holder is entitled to

<sup>2</sup> Full fine for presence. —That is, if the cattle be carried off forcibly in the presence of the owner.

THE BOOK OF AICILL. — α cota don laēt no don gnímpaṛo; ocuṛ in cuṛpuma do pormaēt laēt ocuṛ gnímpaṛ do tṛpe for na reotaib, do comṛoinn doib etorpu, ocuṛ na fuil anto o ēa rin amaē do bṛeīē don carpat ar imṛam; no comāo in tṛpe uile do roinno doib etorpu, uair iṛ a comāentaiḡ do pormaēt tṛpi anto.]

Μαῖρα ρεοιτ αc na fuil laēt na gnímpaṛo pucāo uaiēib, nocōn ḡfuil ní don poltaē fuīēṛime deiyeic, aēt muna fuil a bualgur comaitchne; lán a maiḡin, ocuṛ leē a rectar maiḡin.

C. 1734. Μάρα ροιμπριμ ρét do pīneo ann, iṛ riach ροιμπριμε do ceētāp de; no comāo aen riach ροιμπριμε doiē arāen; a tā tṛian don tí iṛ a cin imar ḡabāo, ocuṛ aen tṛian don tí [iṛa cin] im na ḡabāo.

C. 1734. Μάρα aḡḡabáil ṛo ḡābāo doib, iṛ riach inoliḡiē aḡḡabála do ceētāp de, no com aen riāc inoliḡiē aḡḡabála doib arāen, ocuṛ a tā tṛian don ti iṛa cin imar ḡabāo, ocuṛ aen tṛian [don ti iṛa cin] imuar ḡabāo.

C. 1734. Μάρα ṛerann tallāo ann, ṛerann aḡḡgena anto, ocuṛ ṛerann diabulṭa; [ocuṛ eneclann ṛo lu no ṛo cleiṛhi don carpat ar imṛam ar ṛon a cota don ṛeop; ocuṛ in ṛer aḡḡḡina, ocuṛ in ṛer diabulṭa do coimṛoinn no caithem doib etorpu]; in ṛerann do beṛar ar ṛon aḡḡgena ṛerainno, ocuṛ diablāo ṛerainno do bṛeīē don poltach fuīēṛime a aenur.

Μαῖρα techtiḡḡāo pucāo iṛin ṛerann, iṛ riach techtaiḡēi

<sup>1</sup> *The offence was not committed.*—The meaning seems to be, that two-thirds of



honor-price according to its nature of minor or major *quantity*, THE BOOK OF AICILL. for his share of the milk or of the work; and whatever has been added to the 'dire'-fine by the beast's giving milk or *being capable of* work is divided between them, and the remainder of the 'dire'-fine is obtained by the 'carbat ar imramh,'-stock-owner; or, *according to others*, the whole of the 'dire'-fine is to be divided between them, for it is from their joint assent the 'dire'-fine increased.

If it be beasts that do not give milk or work that have been stolen from them, the 'foltach fuithrime'-holder is not entitled to anything for it (*the theft*), unless it be in right of joint charge; full *fine* for *theft from precinct is due*, and half fine for *theft from a place external of precinct*.

If the offence committed is that of making use of beasts, a fine for *such* use is due to each of them; or, *according to others*, one fine for use *is due* to them both, two-thirds of which *belongs* to him to whose detriment it (*the offence*) was committed *for which the fine is received*, and one-third to the *other, i.e. to him* to whose detriment it (*the offence*) was not committed.<sup>1</sup>

If *unlawful* distraint has been made upon them, fine for such unlawful distraint *is due* to each of them; or, *according to others*, one fine for unlawful distraint *is due* to them both, and two-thirds *belongs* to him to whose detriment it (*the offence*) was committed *for which the fine is received*, and one-third to him to whose detriment it was not committed.

If it be their land that has been *unlawfully* seized, land of equal value, and double land *shall be recovered* for it; and honor-price according to minor or major *value is due* to the carbat ar imramh'-stock-owner for his share of the grass; and the grass *given* as restitution, and the grass *given* as double shall be divided equally or consumed between them; and the land that is given as restitution for the land, and *as* double of the land shall be obtained by the 'foltach fuithrime'-holder alone.

If it be cattle to take possession\* that have been *unlaw-* \* Ir. Taking possession. the fine shall belong to him whose portion of the property has been injured, and one third to the other whose property has not been injured.

- THE BOOK OF AICILL. — C. 1382.
- tipte co cunn co coibne, no cen cunn cen coibne ino ; ocur cutpuñu lan feich tuine čaiche no leč riach tuine caiche do feic do compoino doib eturpu, ocur a fuil ann o ča rin amach do bñeč don foltach fuithruime a aenur. [Riac tečtaič fe ba do na huairlib, ocur tñi ba do na hirlib, ocur oilri nairme .i. cač ní bepař do tečtučab a oilri tñi bunab.]

In riach fočbaiz, ocur in riach porpcaich na luachra, ocur in riach porloirčē, ocur in riach foimpuime, ocur in riach porpcaio foimelra por oin ; cuic feoit in cač ní oib, ocur a compoino doib eturpu.

Mápa connao no clapař no caelach, cuic feoit ino, ocur a compoino doib eturpu.

Mařa fer no caičeo ann, riach tuine čaiči do puino doib etarpu.

Mápa clačā no uiri, ir cuic feoit, ocur a compoino doib eturpu.

- C. 963.
- Mařa iare tallab ann, mař a tiz ir diablař ano ocur eneclann, ocur a compoino doib eturpu. Mař ař in tpoř ir cuic feoit, no comab cethri, ocur a compoino doib eturpu; [no cumao cuic feoit irin iare imuič, ocur diablař mař a tiz ; no dono čena comao cúic feoit irin iare do gñer, cio bé inao ař a nřatuičēa hé.]

Mařa řeba no teřcař ano, mařa řeba ař a fuil meř iat, in cutpuřa ařa ař řcař bair do tipte ocur diatřin

<sup>1</sup> *Man-trespas* – That is the trespass which a human being commits, as distinguished from that which a beast commits.

fully put into the land, the fine for taking possession of THE BOOK OF AICILL. land *unlawfully*, whether with reason and family claim, or without reason and family claim, shall be *recovered* for it; and a proportion of it equal to full fine for man-trespass,<sup>1</sup> or half-fine for man-trespass, shall be divided equally between them, and the remainder shall be obtained by the 'foltach fuithrime'-owner alone. The fine for *unlawfully* taking possession of land is six cows from nobles, and three cows from the inferior grades,<sup>2</sup> and forfeiture of the stock, i.e. whatever stock is brought for the purpose of taking possession is forfeited to the owner of the land. \* Ir. The law.

As to the fine for sod-cutting, and the fine for cutting rushes, and the fine for burning land, and the fine for using a beast, and the fine for over-using a loan: five 'seds' is the fine for each of these, and they (the joint owners) divide them equally between them.

If it be firewood or boards or wattles that have been stolen, there is a fine of five 'seds' for it, and they as above divide it equally between them.

If it be grass that has been consumed, there is a fine for man-trespass for it, to be divided equally between them.

If it be stones that have been taken away or water, there is a fine of five 'seds' for it, and it is to be divided equally between them.

If it be fish that has been taken, if from a house there is double fine for it, and honor-price, which are to be divided equally between them. If it was taken from a weir<sup>2</sup> there is a fine of five 'seds,' or, according to others, four, for it, and they divide it (the fine) equally between them; or, according to others, it (the fine) is five 'seds' for the fish outside, and double that for taking it, if in a house; or else indeed the fine is five 'seds' always for stealing fish, from whatever place it has been stolen.

If it be trees that have been cut, and if they be trees on which there is fruit, the proportion of 'eric'-fine for the top

<sup>2</sup> For the reading in the text, "μαρ αἱ ἐν τῷ ποταμῷ," C. 1735 has "μαρ αὐτὰ ἐν τῷ ποταμῷ," if it was from a weir it was stolen.

THE BOOK OF AICILL. na fét do comroinnt doib eturru; ocur a fuil ann o éa rin amach do bfué do foltach fuíteirime a aenur.

Mar a mef tallad anó: mar a bairr i r éime bairr do comroinnt doib eturru. Mar do lar, mar ar daighin a caite me do daib, i r diabla ocur enecclann; mór ar daighin a caite me doibillib, i r lan fiaé duine caite, ocur a comroinnt doib eturru.

c. 903. [Mar a tuigi, a fégaé cá fáth rir i raibe ac rir bunabí hí; aét mór dá loícaó, i r cuic réoit; mar dá caithium doibillib, i r fiach duine éaithe; mór dá buain fo daib, i r diabla;] ocur ailia familia.

c. 1933-4. [A meic, ara feirer fiacha marra. Aen arpa i leth cumail, deirde i cumail, treirde i cumala, .i. trian bo, trian each, trian airgeit; trian do damuib i trian bo, trian do boinnib i trian each, trian do anfolam i trian airgeit, .i. umá inóiu.

A meic .i. a meic, do raib a bfué acat na fiaé amail érneabá. Aen arpa .i. ba, no eic, no airget. Deirde .i. ba ocur eic, no eic ocur airget. Treirde .i. ba ocur eic ocur airget. Trian do damuib .i. trian do na damuib i r réo dleáur do beir a trian na mbo .i. anarra leir na buain in u. ar i r amfir luéa ocur naé amfir gnuia.

Ruileir éoirpóir in treirde fo; ocur ruileir enecclann do raib in taen arpa airget, amail arberar a cain fuíteirime; no amail arberar a cain patraic: gella ba do

<sup>1</sup> *One kind of goods.*—‘Arra’ means the thing itself, or a thing similar to what was injured, stolen, or destroyed; ‘anarra’ means a different thing as, e.g., a horse or a cup, in place of a cow.

<sup>2</sup> *Cuin Fuithrime.*—According to C. 278, this was a code of laws composed by Amairgin Mac Amalgaid, and promulgated at Fuithrime Cormaic, at Lough Lein



(*the fruit*) and the compensation for the trees are divided equally between them; and that which remains (*the stock*) is obtained by the 'foltach fuithrime'-owner alone.

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If it be fruit that has been stolen: if it be *from* the top, it is 'eric'-fine for the top which they divide equally between them. If *stolen* from the ground, and if it be for the purpose of being eaten by people, there is double *fine* and honor-price *for it*; if *stolen* for the purpose of being eaten by cattle, there is full fine for man-trespass *for it*, and they divide it (*the fine*) equally between them.

If it be straw *that has been stolen*, it is to be considered for what purpose the owner had it: if it was to burn it, there is a *fine of* five 'seds' *for it*; if to be consumed by cattle, there is a fine for man-trespass *for it*; if to be put *as beds* under people, there is a double *fine* for it; and aillia samilia.

My son that thou mayest know how fines and debts should be paid. One kind of goods<sup>1</sup> *is to be given* in a *fine of* half a 'cumhal,' two in a *fine of* a 'cumhal,' three in a *fine amounting to* 'cumhals,' viz. one-third in cows, one-third in horses, one-third in silver: one-third of oxen *is to be* in the third of cows, one-third of mares in the third of horses, one-third of 'anfolam'-mixture in the third of silver, i.e. copper in them.

My son: i.e. my son, that thou mayest have a judgment of how fines shall be paid. One kind of goods: i.e. cows or horses or silver. Two: i.e. cows and horses, or cows and silver. Three: i.e. cows and horses and silver. One-third of oxen: i.e. it is required by law that there should be one-third of oxen in the third of cows, i.e. goods of a different kind with the oxen when it is the time of milk and not the time of work.

These three things are lawful in *the payment of* body-fine; and the one 'arra'-article of silver is lawful in the payment of the honor-price of kings, as it is said in the 'Cain Fuithrime';<sup>2</sup> or, as it is said in the 'Cain Patraic'<sup>3</sup> :—

(Lakes of Killarney), by Fingaine, son of Cae Cinmathair, King of Munster, whose death is mentioned by the Annals of the Four Masters at 694 A D.

<sup>2</sup> *The Cain Patraic*.—That is, The 'Senchus Mor.'

THE BOOK OF ARCHIL. **αιριςοι ζελλα αιριςοι ινο; αμαιλ αρθερ α νυρηαουρ, φορηεθ αρρα αναρρα.**

Τριαν το βοινηνη .ι. τριαν το να λαρεαααb ιρρεθ ολεγαρ το βειτ α τριαν να νεθ .ι. αναρρα λειρ να λαρεαα in tan ιρ αιμριρ επμα οκυρ παε αιμριρ τρεοβεα. Τριαν το ανρολαμ .ι. το ιο παε ρολαμ το γαβαλ ιρρεθ ολεγαρ το βειτ ι τριαν αιριςοι .ι. mulloca οκυρ ρελα τρεμλ-λενοαα οκυρ ρρειν. .ι. uma ι ηοιυ .ι. uma ινα ριυ οιβριςο, no uma ιηοιυ ειρεc, cιo ανρολαμ in λα ριν.

Cρετ αρ α ριυλ in τρεινιυγαθ ρο? in αρ ειρειβ ρογλα, no in αρ ριαθαib cuiρ no cunnepaα? Ιρ αρ ειρειβ ρογλα αη; οκυρ ιρ αιρε το νιτχαρ in τρεινιυγαθ ρο ορηα, comαo λιαθαιςο τορριρθιρ α ρειch ρπειθεμαιν τοιθεα, οκυρ comαo υραιοι το βιρβαο α ραγαιλ. Οκυρ cιo το αεν ριαθαib το ζιαβτα ιατ, νι buo υπειυιλλε, υαιρ να ρειθ cuiρ οκυρ cunnepaα ιρ αεν αρρα ιητιβρειc. No ιρ αμλαιo ρο haεταγεo α ιοιc ρειν. Θα ραιb αετυγαo ορηα, ιρ α ιοιc αμλαιb, οκυρ muna ραιb, ιρ ρορηεθ αρρα αναρρα. Εριc ρογλα ριν; οκυρ μαρα ειριc cuiρ no cunnepεα, ιρ αεν αρρα ιηητιb. Αετ μα  
C. 904. τα αετυγαo ι copaiб beil ann, ιρ α beιε αρ in αετυγυo  
O'D. 664 ριν; muna υιλ [αετυγαo ανo] ιτιρ, ιρ α beιε αρ in αετυγυo ατα το ρειρ ολιγiθ. [Οκυρ αρ e αετυξα α οειρ ολιξε], .ι. α θα ριρ αραen no α θα nanριρ αραen το ριαγαιλ ριρ ιμε; no ριρ αγ in τι θαρ ζελλαo οκυρ ανριρ αγ in τι ρο ζελλυρ-ταρ. Ιρ ανη ριν ατα ρορηεθ αρρα αναρρα, αετ ιητο cαε α οιηηλιηe. Ιρ ανη ριν ατα α ρογα αναρρα οηη ρειθεamaiν τοιθεα. Μάηα ριρ αγ in τι ρο γεαλλυρταρ, οκυρ ανριρ αγ in τι θαρ ζελλαo, ιρ ανηριθε ατα, cρηenαρ οθαρ αιρlictheρ, 7ηε.

Seoit ριν άιρηι ρο ζελλυρταρ in ουιηe in ι nam αιρηι

<sup>1</sup> *The knowledge or ignorance of both.*—That is, of the parties to the contract. This seems to be a quotation from some law maxim.

"for the pledges in silver silver must be forthcoming;" or THE BOOK OF AICILL.  
 as is said in 'urradhus' law "an 'anarra'-article goes for  
 an 'arra'-article."

One-third in mares: i.e. it is required that there should be one-third of mares in the third of horses, i.e. 'anarra'-animals with the mares when it is time of riding and not time of ploughing. One-third of 'ansolam'-mixture: i.e. it is required that there should be in the third of silver, one-third of that which is not ready to be taken, i.e. bowls and three-cornered cups and bridles. Copper in them: i.e. the worth of them in copper, or it is copper to-day ('mvoiu'), though they were not ready to be taken that day.

Of what is there this triple division made? Is it of 'eric'-fines for trespass, or of bargain and contract debts? Of fines for trespass verily; and the reason why this triple division is made of them is, that the plaintiff might the more readily recover his debts, and that the defendant might the more easily procure them. But though it were in one kind of commodity<sup>a</sup> they (*bargain and contract debts*) were \*Tr. Debts procured, there would be no objection, for debts of bargain and contract are *paid for* in one kind of goods. Or, there was an agreement that they should be so paid; if there was an agreement about them, they are to be paid accordingly, and if there was not, let 'anarra'-articles be given for 'arra'-articles. That is, *in cases of* 'eric'-fine for trespass; but if it be 'eric'-fine for bargains or contract, one kind of goods is *to be given* for it. If however there be a verbal agreement about it (*the contract*), it is to be according to that agreement; if there be not an agreement, it is to be treated as a stipulation according to law. And the agreement the law speaks of is, "the knowledge of both or the ignorance of both<sup>1</sup> is to be the rule in the case;" or *it may be* that the person to whom the promise was made had knowledge and the person who made the promise had not knowledge. It is here "an 'anarra'-article goes for an 'arra'-article," but let everyone get his due. In this case the plaintiff has his choice of 'anarra'-articles. If *it be a case wherein* the person who made the promise had knowledge, and the person to whom the promise was made had not knowledge, then *the rule* is "let him buy, hire, borrow," &c.<sup>2</sup>

In this case the person had promised particular 'seds' at a particular time, and he was certain that he could not

<sup>1</sup> Let him buy, hire, borrow, &c.—A quotation from some law maxim.

THE BOOK ann rin, ocur cinnici leir na fuigheál iat uair a ngeallta,  
OF ocur daíte inoiligib air cin co rabat aige iat, uairilís oiligeo  
AICILL. air a ceannaic cin gu beic aice iat.

- C. 906. [In bail iat Caic fiaichach do go, no gu na gellurtaí tuine  
féo airtíe anoiríe, aic log a cruio don feichemain  
toicheo a na rétaib da fuibeo; ocur ma ta anairra ar  
ingairiu iná deile i feilb biobair, gurab eo do bérao don  
C. 1739. feichemain toicheo. [Daití anoligib air in gan féo  
airithe oironaom], ocur ir ano rin ata a roga a feilb  
biobair.

Na féich cuir ocur canoairéa uile ir a mbeic amair no  
haictaigeo iat.

Maio no haictaigeo féich airtíe ann ir a nic.

Maio no haictaigeo a nic a ninao airtíe ir a nic ir a  
ninao rin.

Manair haictaigeo a nic a ninao airtíe, réis inao ir  
in eirich eirichao céo a noleirta iat, olegur doorum uil  
ar a cenao, ocur meir ocur pocul na eiriche rin do tobarra  
re rétaib, aic manair noib biobanair do anao.

- C. 1937. Ocur ní heaó óairab a aicféicéaó cia biobanair he, an  
biobanair reairéana anma [re corp] hé, no in biobanair  
eairreairéana a réc re nech. Máia biobanair reairéana  
C. 1937. anma [re corp] hé, nocho olegur doorum uil amach, aic  
a reoit oironacul do dia éic, ocur meir ocur pocul a eiriche  
féin do leo.

- Máia biobanair eairreairéa a réc re nech, olegur  
doorum uil amach; ocur in reir amach oionolucao a réc  
C. 1937. leir [amach, ocur a comairce céin ber as a tobaic; ocur]  
C. 1937. meir ocur pocul na eiriche imuich do re rétaib]. [Eiric  
éur no cunnaicéa rin; ocur maia eiric rosla, a oionacul

<sup>1</sup> What is in his possession.—That is, to give the plaintiff the 'anarra'-articles most convenient to himself.

<sup>2</sup> And to take.—For "Tobarra, giving or taking," C. 1937, reads "do tabairt do, to be given to him."



procure them at the time of promising them, and it is to *punish him* for his illegal conduct because he had them not that the law compels him to purchase them when he has them not.

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When it is said "every debtor *has* his choice," the person did not in that case promise a particular 'sed', but *that he would pay* the value of his property to the plaintiff in any 'seds' he could find; and if the defendant has in his possession any 'anarra'-article more convenient than another, he gives it to the plaintiff. This is *allowed*, to punish him for his illegal conduct in not having bound *him to give* a particular article, and it is in this case the defendant has a choice of *giving* what is in his possession.<sup>1</sup>

All debts of bargain and contract are to be according as they were agreed to.

If particular debts have been agreed upon they must be paid.

If it has been agreed upon to pay them at a particular place they must be paid at that place.

If it has not been agreed upon to pay them at a particular place, the creditor is bound to go for them to whatever place in the 'tricha ched'-division they are due at, and to take<sup>2</sup> the estimation and award of that territory respecting the 'seds' *offered in payment*, unless any enmity exist towards him there, *and if so he need not go thither*.

And it is a thing to be considered what *kind* the enmity is, whether it is deadly enmity,<sup>a</sup> or enmity which might lead to his being robbed.<sup>b</sup> If it be deadly enmity,<sup>a</sup> he is not bound to go out, but the 'seds' are to be sent to him to his house, and he is to have the arbitration and award of his own territory respecting<sup>c</sup> them.

<sup>a</sup>Ir. Enmity  
of separating  
soul  
and body.

<sup>b</sup>Ir. Enmity  
of separating  
'seds'  
from a  
person.

<sup>c</sup>Ir. With.

If it be enmity which might lead to his being robbed,<sup>b</sup> he is bound to go out; but the man outside (*the debtor*) is to escort him out with the 'seds,' and protect him while levying them; and he shall have the arbitration and award of the outer territory respecting the 'seds.' This is a case of *eric'-fine* for bargain and contract; but if it be a case of *eric'-fine* for trespass, they (*the goods*) are to be conveyed

THE BOOK OF AICILL. co ruice a tech, ocuṛ a cunnamain ḡa ḡḡ; no ḡura cunnamain iat.

- c. 1937-8. A meic aṛa feireṛ feaṛ aṛnen nṛ na toṛḡaib, ocuṛ feṛ do raḡaib nṛ nāḡ eren? .i. feṛ tuṛḡaibe ḡruiteḡ iṛ é aṛnen a cinaib; noch iṛlan in feaṛ foṛich, in ḡruiteḡ, aṛ iṛ é aḡ inṛin aṛnenar [comṛaite] na comṛaite la feaṛ aṛḡṛean.
- c. 1740.

A meic aṛa feireṛ .i. a meic, co raib a fṛ bṛeḡ acat in feaṛ eṛneṛ na fiaḡa amaḡ, ocuṛ noḡa né do ruine taṛḡabail cinaḡ, coṛnaḡ taṛṛuaḡaḡ. Ocuṛ feaṛ .i. in feaṛ do ruine toṛḡabail cinaḡ, ocuṛ noḡa ne eṛneṛ na fiaḡa. .i. feṛ .i. feṛ taṛṛuaḡaḡ in ḡruiteḡ, aiteḡin fain in tan iṛ coṛnaḡ ḡá taṛṛuaḡaḡ; ocuṛ iṛ aṛ fṛ in iṛ foḡlaṛ in cin tuilleṛeṛ tṛe nech co noḡḡenn fṛ a ic. Aṛneḡ .i. iḡaṛ. Noch iṛlān .i. noḡ fṛeṛim no noḡ inṛaḡim coṛnaḡ fṛlan in feṛ fuaḡṛnaḡeṛ in ḡruiteḡ, in tan iṛ coṛnaḡ ac taṛṛuaḡaḡ tṛa. Aṛ iṛ é .i. aṛ iṛ é cin ann fṛin i nuaral coṛeṛnuiteṛ fṛeḡ ocuṛ noḡa raibe comṛmaḡ ḡenna na foḡla coṛ in tí eṛneṛ na fiaḡa.

.i. Cuin ḡeileḡeṛ é ma aṛ in ḡruiteḡ é no in ḡaeḡ? Seḡṛ mbliḡan am.

Ocuṛ cuin ḡeileḡeṛ aṛuṛa am aṛ, in ḡruiteḡ e, no in feaṛ leḡ cuinḡ? .i. a cinṛ ceḡṛi mbliḡan ḡeḡ am. Ocuṛ ma ro hicaḡ a cinaib fṛuṛ in fṛe fṛin fṛeṛu ro fṛeṛ in ḡaeḡ é no in ḡruiteḡ, ma ro hicaḡ imaṛeṛaṛ ann foṛ aiteḡin, iṛ a haṛeṛ amuiḡ foṛ cula. Ocuṛ cin co foṛuṛ doṛ aḡṛ eṛaḡ foṛ in ecoṛnach ḡa fṛuṛeṛeṛ ciall coṛnaḡḡ, aḡṛ aiteḡin uaḡṛum .i. on ḡruiteḡ.

Cia haṛeṛ coimeṛaṛ fṛeṛann in ḡruiteḡ cin a comṛoinn ḡia fṛne? .i. co cuiceaṛ; ocuṛ comṛoinn eṛiḡi ḡiḡi fain ḡ fṛin amaḡ; ocuṛ a cinṛ ceṛa bliḡan beaṛ mac coṛnaḡ ac an ḡruiteḡ, iṛ aṛeḡ a fṛeṛainn do foṛ cula. Ocuṛ cinṛteḡ aṛ ecinṛteḡ fṛin.

<sup>1</sup> *As far as five persons.*—That is the full period of five successive occupants.

to his house and kept at his house; or, *as some say*, they need not be kept at his house.

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O son, that thou mayest know when a man pays what he has not incurred, and a man commits a crime which he does not pay for; viz. the man who incites a fool is he who pays for his crime; in which case the man who commits the crime, *i.e.* the fool, is exempt, for this is the instance in which fines of design are paid, and the man who pays had not design.

O son, that thou mayest know: *i.e.* O son that thou mayest have knowledge of judgment *when* a man pays out the fines, and he was not the person who committed the crime, *this is the case of* the inciting sane adult. And a man commits, *i.e. the case of* the man who committed the crime, and it is not he that pays the fines. Viz. the man, *i.e.* the man who incites the fool, he shall make restitution when it is a sane adult that incites; and from this it is evident that a person must pay for the crime which is committed through him (*his instigation*). Pays, *i.e.* discharges. Is exempt, *i.e.* I maintain or insist that the man who commits the crime, *i.e.* the fool, is exempt, when he who incites is a sane adult. For it is *the instance*, *i.e.* for this is the crime for which fines are nobly paid when the person who pays the fines had no intention of committing the crime.

That is, when is it discriminated by his age whether he is a fool or a sensible person? *At the end of* seven years exactly.

And when is it discriminated by age whether he is a fool or a person of half sense? That is, at the end of fourteen years exactly. And if his crimes were paid for during this period, before it was known whether he was a sensible person or a fool, *then* in case too much was paid as compensation, it is to be paid back outside (*by those who got it*). And if only chastisement was inflicted on the infant who is expected to come to the use of reason, *there is* only compensation *to be made* by him, *i.e.* the fool.

How long is the land of the fool kept without being divided by his family? That is, as far as five persons;<sup>1</sup> and the division of a forfeited land is made of it from that out; and *if* at the end of a hundred years a sensible son should be *born* to (*descended from*) the fool, the land shall be returned to him again. And this is "certain for uncertain."

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C. 906-1939. [Compairti náto compairti in compairti aichféigear anó .i. compairti in bualaio, náto compairti aét eirba in cairriachta. 1 compairti in tpairtich ícaiocheir na féich.]

Fer co cinait can cinait, ocu fer can cinait co cinait aichféigear ann. Fer can cinait imon mbualait in coonach cairriachta, co cinait in íc na riach; fer co cinait in tpairtich bualaio imon mbualait, cen cinait in íc na riach.]

- C. 1939. [O bui] orghain aipleáta in tpairtich ar a aigio fein a aenar, cin aóbar, cin biobanar, ir ann ir tóda caé tpairtich [to éidnacul amaé] ina cinait; no arren a fine aigio ar a eir, no in ti oca ta. Cen aóbar rin; ocu ce beic aóbar [ocu biobanar], ir e in coonach, [uair noco rcaurann aóbar no tpairtich tpairtich to gher]; ocu urail gan tairghair uil ar [an] tpairtich anó rin.
- C. 1939. [to éidnacul amaé] ina cinait; no arren a fine aigio ar a eir, no in ti oca ta. Cen aóbar rin; ocu ce beic aóbar [ocu biobanar], ir e in coonach, [uair noco rcaurann aóbar no tpairtich tpairtich to gher]; ocu urail gan tairghair uil ar [an] tpairtich anó rin.
- C. 906. [ocu biobanar], ir e in coonach, [uair noco rcaurann aóbar no tpairtich tpairtich to gher]; ocu urail gan tairghair uil ar [an] tpairtich anó rin.
- C. 1740. [an] tpairtich anó rin.

Maia coonach ac cairriachta, ocu tpairtich ac bualaio, aichgion ar in coonach cairriachta, ocu rlan tpairtich bualaio. Cen aóbar cen biobanar rin. Ma ta biobanar, leáaichgion ar cechtar de. Ma tair mar aen aóbar ocu biobanar, ceithruime for coonach cairriachta, ocu tair ceithruime for tpairtich mbualait.

- C. 1940. Maia coonach ac taircaio, ocu tpairtich ac bualaio cen aóbar, cen biobanar, tairan for coonach nairuic, [ocu]

<sup>1</sup> *Considered here.*—That is, a crime within the meaning of this doctrine or paragraph, i.e. the actual blow (by the fool) is intentional; the inciting of the fool by the third party is not done with the serious intent or expectation of the blow being struck.

<sup>2</sup> *A criminal man without crime, &c.*—That is, the case of a man subject to the consequences of a criminal act, but not morally guilty, and of a man actually and morally guilty of it, but not subject to the consequences of the crime, is here considered.



A wilful crime which is not *in point of fact* a wilful crime is the wilful crime considered here,<sup>1</sup> i.e. the striking is intentional, the inciting is not intentional but *is done through folly*. It is for a premeditated crime of a fool the fines are paid.

A criminal man without crime,<sup>2</sup> and a man of crime without criminality, are considered in this case. The sensible adult who incited is the man without crime as regards the striking, *but is criminal*<sup>a</sup> as to the payment of the fine; the fool who struck is the man of crime as regards the striking, but is without criminality as to the payment of the fines.

When a fool has committed a furious assault alone, of his own accord, without cause, without enmity, it is then lawful to give every fool up for his crime; or, *according to others*, compensation must be paid on his account by his family, or the person with whom he is. That *was* without cause or enmity; but though there should be cause and enmity, it would be the same *as regards the inciting person*, for cause does not take aught from<sup>3</sup> the liability of the inciting man at all, and this though he only requested and did not compel the fool to the assault.

If a sensible adult incites a fool to commit an assault, and a fool commits the assault, the inciting sensible adult pays compensation, and the fool who committed the assault is free. This *is when there is* no<sup>b</sup> cause and no<sup>b</sup> enmity. If there be enmity, each of them<sup>4</sup> pays compensation. If there be both cause and enmity, the inciting sensible adult pays a fourth *part of the compensation*, and the fool who committed the assault three-fourths.

If a sensible adult incites, and a fool assaults without cause, without enmity, the sensible adult pays a third *of the compensation* for the inciting, and the fool two-thirds for

<sup>1</sup> For cause does not diminish.—That is, the existence of any cause which would predispose the fool the more readily to commit the assault at the instigation of the third party.

<sup>4</sup> Each of them.—The fool and the sane adult, i.e. the fool is to be considered as a *particeps criminis* if he is predisposed himself to commit the assault.

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 C. 2171. ԾԱ ԵՐԻԱՆ ԲՈՐ ՇՐՄԻՆ ՄԲՍԱԼԷ, ՇԵՆ ՍՈԲԱՐ ՇԵՆ ԲԻՇԲԱՆՍԻՐ  
 ՄԱ ԵԱ ԲԻՇԲԱՆՍԻՐ, ԲԵՐԵՍ ԲՈՐ ԸՈՏՈՆԱՃ ՌՈՍԻՐԵ, ՕՍՐ ԸՈՒՇ  
 ԲԵՐԻՍ ՍԻԼԵ ԱՐ ՇՐՄԷ ՄԲՍԱԼԷ. ՇԵ ԲԵՐԷ ՍՈԲԱՐ ԿՐԵՍ ԱՆ  
 ՇԵՏՆԱ, [ՍԱՐԻ] ՈՍԸԱ ԲՇՈՐԹԵՆՆ ՍՈԲԱՐ ՈՒ ՇՐԻՐ ՍՈՒՐԷՐ ԾՈ ՃՐԵՐ.

ՄԱՐԱ ԸՈՏՈՆԱՃ ԱՇ ՍՈՒՐԵԱԾ, ՕՍՐ ԸՈՏՈՆԱՃ ԱՇ ԵՐԻԱՇԱԾ, ՕՍՐ  
 ՇՐՄԷ ԱՇ ԲՍԱԼԱՇ, ԵՐԻԱՆ ԲՈՐ ԸՈՏՈՆԱՇ ՌՈՍԻՐԷ, ՕՍՐ ԾԱ ԵՐԻԱՆ  
 ԲՈՐ ԸՈՏՈՆԱՇ ԵՐԻԱՇԱՇԷՏԱ, ՕՍՐ ԲԼԱՆ ՇՐՄԻՆ ԲՍԱԼԷ. ՇԵՆ  
 ՍՈԲԱՐ ՇԵՆ ԲԻՇԲԱՆՍԻՐԻՆ; ՕՍՐ ՄԱ ԵԱ ԲԻՇԲԱՆՍԻՐ, ԲԵՐԵՍ ԲՈՐ  
 ԸՈՏՈՆԱՇ ՌՈՍԻՐԷ, ԵՐԻԱՆ ԲՈՐ ԸՈՏՈՆԱՇ ԵՐԻԱՇԱՇԷՏԱ, ԼԵՇ ԱՅԻՃԻՆ  
 ԱՐ ՇՐՄԷ ՄԲՍԱԼԷ. ՄԱ ԵԱ ՍՈԲԱՐ ՕՍՐ ԲԻՇԲԱՆՍԻՐ, ԲԵՐԵՍ  
 ԲՈՐ ԸՈՏՈՆԱՇ ՌՈՍԻՐԷ, ԲԵՐԵՍ ՍԻԼԵ ԱՐ ԸՈՏՈՆԱՇ ԵՐԻԱՇԱՇԷՏԱ,  
 ԾԱ ԵՐԻԱՆ ԱՐ ՇՐՄԻՆ ՄԲՍԱԼԷ.

C. 1742. [Imach ԾՈ ԲՈՂԼԱՅԻՏԱՐ ԱՆՇՐԻՆ, ՕՍՐ ՆԱՄԱՏ ԵՏՈՐՆԱ  
 ԲՈՒՇԵՆ ՏԱԼԼ, ԻՆ ԸՏՐՈՄԱ ՌՈ ԻՇԲԱՅԻՐԻՄ ՌԵ ՏԱԵԲ ԲԻՆ ԱՄԱՇ  
 ՇՈ ՈՆԱ ԲԵԱՐԺԻԱՆ ՇՈՐՄ ԲՈՐ ՆԵՇ ԵԻԼԵ, ՃՐԱԲ Է ԻՆ ԸՏՐ-  
 ՈՄԱ ԲԻՆ ԻՇԺԱՐ ՌԻՐԻՄ ԱՆՈՐԱ; ՕՍՐ ԻՆ ԸՏՐՈՄԱ ՌՈ  
 ԻՇԲԱՅԻՐԻՄ ՌԵ ՏԱԵԲ ԲԻՆ ՇՈՆԱ ԲԵԱՐԺԻԱՆ ՇՈՒԲՐԻՄ ԲՈՐ ՆԵՇ  
 ԵԻԼԵ, ՃՐԱԲ Է ԻՆ ԵԱՆՄՐԱՆՈՒՇ ԲԻՆ ԲՍՐ ԵՐԲԱԾԱՇ ԱԾՐՈՄ  
 ԻՆՈՐԱ.]

C. 908. ԸԻՈ ՐՈՇԵՐԱ ՇՈ ԲՇՈՐԵՆՆ ՍՈԲԱՐ ՕՍՐ ԲԻՇԲԱՆԱՐ ՈՒ ՇՐԻՐ  
 ԵՐԻԱՇԱՇԷՏԱ, ՕՍՐ ՇՈ ՈՆԱՇ ԲՇՈՐԵՆՆ ԱՇՇ ԲԻՇԲԱՆՍԻՐ ՈՄԱ ՈՒ  
 ՇՐԻՐ ՍՈՒՐԵ? ԻՐ Ե ՐԱՇ ՐՈՇԵՐԱ, ՌՈ ԲԱՏՍԻՐ ՄԱՐ ԱԵՆ ԱԻՇ,  
 [ԻՇ ՇՐՄԻՆ], ՍՈԲԱՐ ՕՍՐ ԲԻՇԲԱՆՍԻՐ, ՌԵՐԻՍ ԾՈ ՌԻՆԵ ԲԵՐ ԵՐԻ-  
 ԱՇԷՏԱ Ա ԵՐԻԱՇԱՇԷՏԱ, ՕՍՐ ՇՈՐ ԸԵ ՌՈ ԲՇՈՐԵՐԻՐ ՄԱՐ ԱԵՆ ՈՒ  
 ՇԵ; ՈՇՇՈ ՐՈՒԲԻ ԱՇՇ ԲԻՇԲԱՆՍԻՐ [ՈՄԱ] ԱԻՇ ԱՐ ՇԻՆՇ ԲԻՐ  
 ՍՈՒՐԷ, ՕՍՐ ՇՈՐ ՇԵՆ ՇՈ ԲՇՈՐԵՍ ՈՒ ՇԵ ԱՇՇ ԻՆ ԼԱՆ ՌՈ ԲԱԻ  
 ԱՐ ԱՐ Ա ՇԻՆՇ .i. ԲԻՇԲԱՆՍԻՐ.

ԸԻՈ ՐՈՇԵՐԱ ՇՈ ԲՇՈՐԵՆՆ ԲԵՐ ՍՈՒՐԷՐ ՈՒ ՇՐԻՐ ԵՐԻԱՇԱՇԷՏԱ,  
 ՕՍՐ ՇՈ ՈՆԱ ԲՇՈՐԵՆՆ ԲԵՐ ԵՐԻԱՇԱՇԷՏԱ ՈՒ ՇՐԻՐ ՍՈՒՐԷ? ԻՐ Ե

<sup>1</sup> *The proportion which he pays now.*—That is, if the assault has been committed among the members of the tribe.

<sup>2</sup> *That which was on him.*—That is, the portion of the fine which the fact of the fool's having enmity towards the man assaulted, would render the fool liable for.

assaulting, without cause without enmity. Should there be enmity, the inciting sensible adult pays one-sixth of the compensation, and the fool who committed the assault the other five-sixths. Though there should be cause it is the same, for cause does not at all diminish the inciting person's liability.

If a sensible adult rouses *him*, and a sensible adult incites *him*, and the fool commits an assault, the sensible adult who roused him pays one-third of the compensation, the sensible adult who incited him two-thirds, and the fool who committed the assault is free. In this case there was neither cause nor enmity; and should there be enmity, the rousing sensible adult pays one-sixth, the inciting sensible adult one-third, and the fool who committed the assault, one-half of the compensation. Should there be cause and enmity, the rousing sensible adult pays one-sixth of the compensation, the inciting sensible adult another sixth, and the fool who committed the assault, two-thirds.

Outside (*in another territory*) the assault was committed in the *above* case, but had it been between themselves within, the proportion he would pay in respect of it out (*to the strangers*) and for his committing it on another person, is the proportion which is paid by him now<sup>1</sup>; and the proportion which he would pay in respect of it for their inflicting it on another person is the proportion which is subtracted from him now.

What is the reason that cause and enmity subtract part from the liability of the inciting man, and that nothing but enmity subtracts part from the liability of the rousing man? The reason of it is, he, the fool, had them both, cause and enmity, before the inciting man incited him; and it is right that both should take something off him (*the inciting man*); he had but enmity only before he was roused, and it is right that nothing should take anything off him (*the rousing man*) but that which was on him<sup>2</sup> (*the fool*) before he roused him, viz. enmity.

What is the reason that the rousing man takes something off the liability of the inciting man, and that the inciting man does not take anything off the liability of the rousing man? The reason is, the full *fine* had already been in-

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in pað forðeia, po reitirter a lán cena for fer nðuirci,  
riaria do rine fer toirriaðta a toirriaðtað, ocur in lan  
po reitirter ar coir cen co rcoireo ní ve.

Marra oruth ac toirriaðtað ocur oruth ac bualað,  
conpannat bað baegal: ir leth aithgin ar cechtar ve.  
Cen aobair cen biobanur rin. Ma ta biobanur, cethruime  
ar oruð toirriaðta, teora cethruime ar oruð mbuailti.  
Ma ta aobair ocur biobanur, oðtmað ar oruð toirriaðta,  
na reðt ranna aile ar oruth mbuailti.

Sic.

Marra oruð ac rureað ocur oruth ac bualað, reireo  
ar oruth nðuirci, ocur a cuic reirio ar oruth mbuailti.  
Cen aobair, cen biobanur; ma ta biobanur, aile dec ar  
oruð nðuirci, aenn rann dec ar oruð mbuailti. Ce beð  
aobair, irreo a cetna, uair noco rcoirenn aobair ní orir  
uirci.

Marra oruth ac rureað, ocur oruð ac toirriaðtað, ocur  
oruð ac bualað, reireo ar oruð nðuirci, trian ocur aile  
dec ar oruð toirriaðta, trian ocur aile dec ar oruth  
mbuailti. Cen aobair cen biobanur rin; ma ta biobanur,  
aile dec ar oruð nðuirci, reireo ocur in cethruime rann  
richit ar oruth toirriaðta, lan o ða rein amach ar  
oruð mbuailti. Ma ta aobair ocur biobanur, aile dec  
ar oruth nðuirci, aile dec ocur in oðtmað rann ceth-  
rachat for oruth toirriaðta, lan o ta rin amach ar  
oruð mbuailti. No, comat cuic ranna do venum don  
aithgin rann, ocur ir e pað ara nðentari rin comut a  
triun do beð oruth uirci do grei re oruth toirriaðta,  
amuil ata cotuach uirci triar a triun re cotuach  
toirriaðta.

<sup>1</sup> *The fin.*—This is a quotation from some ancient law-book.

<sup>2</sup> *And one-twelfth*—The MS. here has "one-eleventh," but the context shews that the true reading should be "one-twelfth."



curred by the rousing man, before the inciting man caused the incitement, and it is right that the full *fine* incurred by him should not in any way be lessened.

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If a fool incites and a fool assaults "let fools divide the *fine*;"<sup>1</sup> there is half compensation from each of them. *In this case there was* neither cause nor enmity. Should there be enmity, *the fine is one-fourth of compensation* upon the inciting fool, and three-fourths upon the assaulting fool. Should there be cause and enmity *the fine is one-eighth of compensation* upon the inciting fool, and the other seven parts upon the assaulting fool.

<sup>a</sup> Ir. Risk.

If a fool arouse and a fool commit an assault, *the fine is one-sixth of compensation* upon the rousing fool, and five-sixths upon the assaulting fool. *Here there was* neither cause nor enmity; and should there be enmity, *the fine is one-twelfth of compensation* upon the rousing fool, and one-twelfth<sup>2</sup> upon the assaulting fool. Though there should be cause, it is the same, for cause *on the part of the fool* does not take any thing off the rousing man.

Should it be *a case of* a fool arousing, and a fool inciting, and a fool committing an assault, *the fine is one-sixth of compensation* upon the rousing fool, one-third and one-twelfth upon the inciting fool, and one-third and one-twelfth upon the assaulting fool. *There was* neither cause nor enmity *in this case*; and should there be enmity *the fine is one-twelfth of compensation* upon the rousing fool, one-sixth and one-twenty-fourth upon the inciting fool, and the full remainder upon the assaulting fool. Should there be cause and enmity *the fine is one-twelfth of compensation* upon the rousing fool, one-twelfth and one-forty-eighth upon the inciting fool, and the full remainder upon the assaulting fool. Or, according to others, the compensation in this case is to be divided into five parts, and the reason why that is done is that the rousing fool might have to pay a third always as between himself and<sup>b</sup> the inciting fool, just as the rousing sensible adult in the case above mentioned pays a third as between himself and<sup>a</sup> the inciting sensible adult.

<sup>b</sup> Ir. To.

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ARCELL.

Cach uair րի cuiս րառնա յօ ուէր յօն աւիցոյ, cuiսե՛ծ ար օրսի յօսուրի, յօ cuiսե՛ծ ար օրսի շօրհաճէա, յօ cuiսե՛ծ ար օրսի մեծաւի. Շօն օտար շօն երօնար րի; օսր մօ լօ երօնար, յե՛շմօ ար օրսի յօսուրի, cuiսե՛ծ ար օրսի շօրհաճէա, իւն օ լօ րի առաի ար օրսի մեծաւի. Մօ լօ օտար օսր երօնար, յե՛շմօ ար օրսի յօսուրի, յե՛շմօ ար օրսի շօրհաճէա, շօւրի cuiսո ար օրսի մեծաւի.

C. 910.

Շի եւ շօնա՛ծ աւի յօ նօ ին շօրհաճէա, րի շօրհաճ րօւրի աւիցոյ յօ օրսի, շի շօնա՛ծ սրար, շի շօնա՛ծ յօրար, շի շօնա՛ծ մարարի, շի շօնա՛ծ յօր. Աւիցոյ րօր շօնա՛ծ սրար [ի յօսուր, շօւրի րօւրար ար շօնա՛ծ յօրար, յօ րօւրար օսր ին շօրհաճէա րի յօ յօ] նօ աւիցոյ րօր շօնա՛ծ մարարի, րօւրար նօ աւիցոյ րօր շօնա՛ծ յօր.

Շի եւ շօնա՛ծ աւի յօ նօ ին շօրհաճէա, րի շօրհաճ րօւրի լօ աւիցոյ յօ օրսի, շի շօնա՛ծ մարարի, շի շօնա՛ծ յօր.

C. 911.

[Լօ աւիցոյ րօր մօ 1 յօր 1օ լօ յօ սրար, շօւրի րօւրար նօ հօրհաճ րօր մօ 1 յօր 1օ լօ յօ յօրար, յօ րօւրար օսր ին շօրհաճէա րի յօ լօ աւիցոյ րօր մօ 1 յօր 1օ լօ յօ մարարի, րօւրար նօ լօ աւիցոյ րօր մօ 1 յօր 1օ լօ յօ յօր, յօ յօ.]

C. 912.

Շօրհաճ նօ լօ աւիցոյ րօր մօ 1 յօր 1օ աւիցոյ [սրար]; շօւրի րօւրար րօւրար նօ լօ աւիցոյ րօր մօ 1 յօր 1օ աւիցոյ յօրար; յօ րօւրար օսր ին շօրհաճէա րի յօ լօ աւիցոյ րօր մօ

Whenever the compensation is divided into five parts, *one-fifth is the fine* upon the rousing fool, *two-fifths* upon the inciting fool, *and two-fifths* upon the assaulting fool. This *is when there is* neither cause nor enmity; but should there be enmity, *one-tenth of the compensation falls* upon the rousing fool, *one-fifth* upon the inciting fool, and the full remainder upon the assaulting fool. Should there be cause and enmity, *the fine is one-tenth of compensation* upon the rousing fool, *one-tenth* upon the inciting fool, *and four-fifths* upon the assaulting fool.

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Whatever sensible adult has incited *a fool*, whether he (*the inciter*) be a sensible native freeman, a sensible stranger, a sensible foreigner, or a sensible 'daer'-man, the compensation *due* of the fool is alike diminished. Compensation *in full is the fine* upon the sensible native freeman for *injury* to the person, *four-sevenths of it* upon the sensible stranger, *two-sevenths and one-fourteenth* of the compensation upon the sensible foreigner, *one-seventh* of the compensation upon the sensible 'daer'-man.

Whatever non-sensible person has incited *a fool*, whether he (*the inciter*) be a non-sensible native freeman, a non-sensible stranger, a non-sensible foreigner, or a non-sensible 'daer'-man, the compensation *due* of the fool is diminished equally.

Half compensation *is the fine* upon a youth at the age of paying the half-'dire'-fine of a native freeman, *four-sevenths* of the compensation upon a youth at the age of paying the half-'dire'-fine of a stranger, *two-sevenths and one-fourteenth* of half the compensation upon a youth at the age of paying the half-fine of a foreigner, *one-seventh* of the half compensation upon a youth at the age of paying the half-'dire'-fine of a 'daer'-man, should it (*such a case*) occur.

A seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a native freeman; *four-sevenths of a seventh* of the half compensation *is the fine* upon a youth at the age of paying the compensation for a stranger; *two-sevenths and one-fourteenth* of a seventh of the half compensation *is the fine* upon a youth

## Լեզու Աճե.

ԴՄ

Լաք Իճա աճղեղա մարգարէի; քէճմաճ քէճմաճ յա  
Լէճ աճղեղա քօր մաճ Ի յաք Իճա աճղեղա ծալ.

Լէճ ին քէճմաճ քօր մաճ Ի յաք Իճա Լէճ ծալ ծալ, օքս  
ին շանթրաննե ծօ Լան ա աճղալ Բաճեյն ալ ար մաճ Ի յա  
ք Իճա աճղեղա սրբաճ, օքսճ Ե ին շանթրաննե քին  
ծօ Լան ա աճղալ Բեք ար մաճ Ի յաք Իճա աճղեղա ծօքաճ.  
նօ մարճարէի, յօ ծալ.

C. 912.

C. 912.

C. 912.

Օրօ քօքերա յաճ քէճմաճ Լան ա աճղալ ալ ար մաճ  
Ի յաք Իճա աճղեղա սրբաճ քին, ամալ աճա ին ճաճ մաճ  
օ էա քին ամաճ? Իք Ե քաճ քօքերա, օմցոյմ ծա Եճօնաճ  
ալ ան, օքս ին [Եւթրմա] քօքերա ա ծօքաճեճճ յօ [ա]  
մարճարէճճ, յօ [ա] Եճօնաճեճճ, յօ [ա] մար ծալքում, յօճ-  
[օն] ար ծալճ շէլ, աճճ ա ծալ քէ Լալ. Ին Եւթրմա քօքերա  
աճղալ օքս Բաճանք ճաճ ալ ատալ ալքում, յօճօն օք-  
քօքում շէլ, աճճ ար ծալճ, օքս ճաճ ալ Եալ յա քալ ալքում,  
Իք օքսքօմ շէլ.

Ա մեյճ արա քէքեր Բալ ծալ.

C. 912.

.1. յա հալե ծեղա քօ քին ալ օ շալքեղա ին ճոյմքաճ  
օքս ին քալալաճ, օքս ծ յա [Բա քին] քօքերաճ յօ ալքեյլե  
նօ Եալալք, Իք ծեղա ծալաճ, օքս Իք քալ յաճ ա Լէճ քին յա  
հալե, օքս քալ յա հալե ա Լէճ քալ.

C. 912.

Մա ծօ քալա քօքալ [ճէն Բէճար ալ] ա օմցոյմաճ օքս  
ա օմքալալաճ, քալալք օքս Եալալք ան, քալալ



at the age of paying the compensation for a foreigner; a seventh of a seventh of the half compensation *is the fine* upon a youth at the age of paying the compensation for a 'daer'-man.

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Half the seventh of compensation *is the fine* upon a youth at the age of paying the half-'dire'-fine of a 'daer'-man, and the proportion of the full-fine of his own father which is upon a youth at the age of paying the compensation for a native freeman, is the proportion of the full-fine of his father which shall be *the fine* on a youth at the age of paying compensation for a stranger, or a foreigner, or a 'daer'-man.

What is the reason that it is not one-seventh of his father's full-fine that is *imposed* on a youth at the age of paying the compensation for a native freeman here, as it is in every case from this out? The reason is, it is the joint act of two non-sensible adults that is *considered* here, and the proportion which their condition of stranger or foreigner, or their want of sense, or their madness takes off them, goes not upon the fool, but falls to the ground. *As to* the proportion which cause and enmity take off as often as he (*the fool*) has them (*i.e. cause and enmity*), it is not upon those (*above-mentioned*) it goes, but upon the fool, and as often as he has them not, it is upon those it goes.

My son that thou mayest know the exemptions with respect to rights of building, &c.

That is, all the buildings here mentioned from the time that the work has been finished and the arrangement *completed*, and when there is no knowledge of excess or danger or defect, are lawful buildings, and are safe with respect to all things, and all things are safe with respect to them.

If an accident should occur during the erection or the preparation for it, *there is no fine\* for injuries done* to idlers and unprofitable workers,<sup>1</sup> *there is one-third of compensation*

\*Ir. Ex-emption.

<sup>1</sup> Unprofitable workers, i.e. persons whose presence there was unnecessary for their profit.

THE BOOK OF AICILL. **נאִתְּחִינָא** **יִן** **נֶאֶר** **כּוֹמְחִימְרִינֹו** **וּצֻר** **יִן** **עֵאֲד** **תּוֹרְבַּחְח**  
**וּצֻר** **יִן** **עֵאֲד** **רֹוּב**. **צֶן** **פִּיר** **צֶן** **אִיעִירִין** **רִין**. [Θε αλια ριμουλια.]

C. 918.

**מָא** **טָא** **פִּיר** **פּוֹרְפֵּרִינֹו** **אִיכְעִילֵי** **נֹו** **עֵאֲלֵלֵיךְ**, **יִר** **אִיִּחִיִּל** **יִנְוִעִיבִיר** **תּוֹרְבָא** **יִמ** **לֵעֵ** **אִיִּתְּחִין** **י** **נֶרְפֵּאֲד** **וּצֻר** **י** **נֶעֱתַרְבַּחְח**,  
**אִיִּתְּחִין** **אַ** **תּוֹרְבַּחְח**, **לֵעֵ** **וִירֵי** **לֵא** **אִיִּתְּחִין** **אַ** **רִפּוּב**.

C. 918.

**יִר** **אִנֹו** **אַדָּא** **פִּלֵּינִינְטִי** **עִרְפָא** **וּצֻר** **עֵתַרְבַּאֲד** [וֹו **רִיִּאֲגֵאִיל** **י** **לֵעֵ**  
**רִיִּב**,] **יִן** **יִנְבֵּאִינֹו** **אַעֲכֹנְנֵאִי** **עֵאֲד** **וִיב** **אַ** **עֵיִילֵי**; **נֹו** **נִי** **אַעֲאִינֹו** **עֵאֲד**  
**וִיב** **אַ** **עֵיִילֵי**; **נֹו** **אַעֲכֹנְנֵאֲתַרְפּוֹמ** **פֶּרֶךְ** **יִן** **גְּנוּמָא** **וּצֻר** **נִי**  
**אַעֲאִינֹו** **פֶּרֶךְ** **יִן** **גְּנוּמָא** **יֵאֲרֹוּמ**; **פִּלֵּינִינְטִי** **עִרְפֵּאֲד** **וּצֻר** **עֵתַרְבַּאֲוֹ**  
**אַנִּן**. **טְרִיִּאִן** **אִיִּתְּחִינָא** **י** **נֶאֶר** **כּוֹמְחִימְרִינֹו**, **יִן** **עֵאֲד** **תּוֹרְבַּאֲד**,  
**וּצֻר** **יִן** **עֵאֲחֵךְ** **רֹוּב**, **צֶן** **פִּיר** **צֶן** **אִיעִירִין**. **מֵאֲרָא** **אִיעִירִי** **עֹו** **רֵאִיל־**  
**עֵצֵאִין** **אַ** **רִיִּאֲחֵטָאִי**, **עֹו** **עֵאֶמֶאֲעֵטִי** **יִמְגַּבֵּאִילֵא**, **לֵעֵ** **אִיִּתְּחִין** **י**  
**נֶרְפֵּבֵאִיִּגְוֹ** **וּצֻר** **י** **נֶעֱתַרְבַּאִיִּגְוֹ**, **אִיִּתְּחִין** **אַ** **תּוֹרְבָא**, **לֵעֵ** **וִירֵי** **לֵא** **אִיִּתְּחִין**  
**אַ** **רִפּוּב** **עֹו** **נֵאִיעִירִין** **נֵא** **רֹוּב**, **וּצֻר** **מִנְּנָא** **אַעֲאִינֹו**, **יִר** **טְרִיִּאִן**  
**נֵאִיִּתְּחִינָא**.

**מֵאֲט** **כּוֹנְדֵּאִיעִירֹוּמ** **יֵאֲרֹוּמ** **וּצֻר** **נִי** **אַעֲאֲטִירֹוּמ** **עִירִיִּיִּמ**,  
**וּצֻר** **רֹוּב** **ע** **אַ** **טִיִּיעִירִיִּיִּמ** **עֹו** **פֵּאֲעֵאֲתַר**, **וּצֻר** **אַרִּיִּאֲוֵי** **נִי** **אַעֲ-**  
**תַר**, **יִר** **אִיִּחִיִּל** **יִנְוִעִיבִירֵי** **תּוֹרְבָא** **יִמ** **לֵעֵ** **אִיִּתְּחִין** **י** **נֶרְפֵּבָא** **וּצֻר**  
**י** **נֶעֱתַרְבַּאֲד**, **אִיִּתְּחִין** **אַ** **תּוֹרְבָא**, **לֵעֵ** **וִירֵי** **לֵא** **אִיִּתְּחִין** **אַ** **רִיִּבִּי**.  
**מֵאֲט** **כּוֹנְדֵּאִיעִירִיִּיִּמ** **יֵאֲרִיִּיִּמ** **וּצֻר** **נִי** **אַעֲאֲטִירֹוּמ** **עִירִיִּיִּמ**, **וּצֻר**  
**עִיִּנְנִי** **לֵיִרִיִּיִּמ** **עֹו** **נֵא** **פֵּאֲעֵאֲתַר**, **עֵעֵתְרִיִּיִּיִּמֵי** **וִירֵי** **לֵא** **אִיִּתְּחִין**  
**י** **נֶרְפֵּבֵאֲעִי** **וּצֻר** **י** **נֶעֱתַרְבַּאֲעִי**, **לֵעֵ** **וִירֵי** **לֵא** **אִיִּתְּחִין** **אַ** **תּוֹרְבֵּאֲ-**  
**עִי** **וּצֻר** **אַ** **רִיִּבִּי**.

<sup>1</sup> *Profitable workers*, i.e. persons whose presence there was necessary for their profit.

<sup>2</sup> The text is defective here.

<sup>3</sup> *Knowledge of excess danger or defect*, i.e. if the owners of the building in course of erection were aware that the building was in any way dangerous, and an accident occurs, the idlers and unprofitable workers are treated as if they were profitable workers.

*due for injuries done* to all fellow-labourers and profitable workers' and beasts. This is in case they (*the builders*) did not see *the injured persons* or know of *their presence*; et alia similia.

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Should they (*the owners of the building*) have knowledge of excess danger or defect,<sup>2</sup> it is as if it were profitable to the injured person to be present there though not necessary to his profit,<sup>a</sup> as regards half compensation for *injuries to* idlers and unprofitable workers, compensation for profitable workers, half 'dire'-fine and compensation for beasts.

<sup>a</sup>Ir. Unnecessary profit.

The case in which exemption from *finēs* for *injury to* idlers and unprofitable workers is the rule with respect to them is, when each of them<sup>3</sup> saw the other; or, *when* neither of them saw the other; or, *when* they saw the working man and the working man did not see them: *there is* exemption from *finēs* for *injury to* idlers and unprofitable workers in this case. One-third of compensation is *the fine* for *injury to* fellow-labourers, profitable workers, and beasts, provided the act was not intentional or the injured person seen.<sup>b</sup> If he (*the injured person*) was seen, and his being struck was supposable, but may have been avoided, *the fine* is half compensation for *injury to* idlers and unprofitable workers, compensation for *injury to* profitable workers, half 'dire'-fine and compensation for *injury to* beasts, if the beasts were seen, and if they were not seen, it (*the fine*) is one-third of compensation.

<sup>b</sup>Ir. Without knowing, without seeing.

If he (*the workman*) saw them and they did not see him, and it was his impression that they did see him, and it is certain they did not see him, it is like a case of unnecessary profit, as regards half compensation for *injuries to* idlers and unprofitable workers, compensation for *injury to* profitable workers, half 'dire'-fine and compensation for *injury to* beasts. If he saw them and they did not see him, and if he was certain they did not see him, *there is* one-fourth of 'dire'-fine and compensation for *injury to* idlers and unprofitable workers, half 'dire'-fine with compensation for *injury to* profitable workers and for *injury to* beasts.

<sup>2</sup> When each of them—that is, the idlers and working man.

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Ci ro potepa conaro cutpama ip in nob ocup ip in topbað ann ro? Ip e pat potepa, inweichbeip in gnuma munwargar iat, uair amuil nob a let nip in topbað ip amro leiŕ wá nemaicpin. Na coronaŕ deatche uilit ap aipŕ i nuair ŕenma in gnimraib amuil erbaŕ iat buŕein, ocup amuil erbaŕ a nuib ocup a necoronaŕ.

Sic.

Ruib ocup ecoronaŕ in loŕta na fuile ap aipŕ, ip inweichbeip in lan ip mo; nuib ocup ecoronaŕ in loŕta na fuile ap aipŕ ip inweichbeip in lan ip luŕa; nuib ocup ecoronaŕ in loŕta na ap aipŕ eo ŕenam gnimraib, na cumangar a noiŕ, ip a mbeib amuil erbaŕ; muna cumangar, ip a mbeib amuil topbað.

C. 914

In topbað boŕar ŕall [ocup na bacaiŕ, eo fir a noaille ocup a mbuŕpe ocup a mbacaiŕ], ip a mbeib amuil in nob; in cutpama biar ip in topbað mbuŕar noall, coraib a let beip ip in nerbach mbuŕar noall, ocup noco aŕaŕaŕ a planŕi ŕo gner. [Co fir a boŕarŕaille rin; ocup nochon fer a boŕarŕaille, ip a beib amuil in topbað bu noiŕ leiŕ ŕa ŕaicpin, ocup naŕar ŕacaro.] Ma tait a fuile aic ocup ní uilit a cluara, no ma tait a cluara ocup ní uilit a fuile, ocup ei be ŕib aic aic, ip a mbeib aŕuil erbaŕ a let nip. Ci be ŕib naŕ fuil aic, ip a mbeib amuil topbað a let nip.

C. 914.

[Co fir a boŕarŕaille rin; ocup nochon fer a boŕarŕaille, ip a beib amuil in topbað bu noiŕ leiŕ ŕa ŕaicpin, ocup naŕar ŕacaro.] Ma tait a fuile aic ocup ní uilit a cluara, no ma tait a cluara ocup ní uilit a fuile, ocup ei be ŕib aic aic, ip a mbeib aŕuil erbaŕ a let nip. Ci be ŕib naŕ fuil aic, ip a mbeib amuil topbað a let nip.

C. 914-  
915.

[Ruib ocup ecoronaŕ na coronaŕ noŕaich uil ap aipŕ ocup na ŕegar a ler, ocup na fuile a ŕenom gnimraib, ocup no ŕéŕaigŕa a noiŕuŕ cen topmeŕc gnimraib, amuil erba iat, ocup eric erba inŕu. Ruib ocup ecoronaŕ na coronaŕ na fuile ap aipŕ, no ŕe tait ap aipŕ maŕ ŕegar a ler ŕe fuirpuruŕ ngnim, no ŕen ŕo ŕegar a ler ŕe ŕenam

<sup>1</sup> Had not seen him.—The text is defective here.

<sup>2</sup> Such as are present.—The Irish here again is such as are not present, but the repetition of the negative must be a clerical mistake.



What is the reason that there is the same *fine* for the beast and the profitable worker in this case? The reason is, the non-necessity of the deed equalizes them, for *it is thus that* the profitable worker, who he was certain had not seen him,<sup>1</sup> becomes as the beast *with respect to the restitution and 'dire'-fine*. The idle sensible adults who are present at the time of doing the deed are themselves *considered* as idlers, and the beasts and non-sensible persons belonging<sup>a</sup> to them <sup>\*Ir. Their.</sup> are *considered* as idlers.

For the beasts and non-sensible persons of such as are not present the greatest full-*fine* is *paid*; for the beasts and non-sensible persons of such as are present<sup>2</sup> the smallest full-*fine* is *paid*; the beasts and non-sensible persons belonging to those who are present doing the work, if they can be sent away, are to be *regarded* as idlers; if they cannot, they are to be *regarded* as profitable workers.

The deaf blind and lame profitable workers, when their blindness and deafness and lameness are known, are to be *regarded* as beasts *with regard to the fine*; whatever is the proportion of *fine* for *injury* to the deaf and blind profitable worker, the half of it is for *injury* to the deaf and blind idler, and for *injury* to such *deaf and blind idler* there is never full exemption. This is when his deafness and blindness are known; but should his deafness and blindness not be known, he is to be *regarded* as a profitable worker, whom he (*the workman*) supposed to have seen him, but who did not see him. If he (*the person injured*) can see and cannot hear,<sup>b</sup> or if he can hear and cannot see, he is to be *regarded* as an idler, with respect to whichever *faculty* of them he has. With respect to whichever *faculty* he has not, he is to be *regarded* as a profitable worker.

<sup>b</sup>Ir. Has his eyes, and has not his ears.

The beasts and non-sensible persons belonging to idle sensible adults which are present but which are not required, and are not doing any work, and which could be driven away without interrupting the work, are *regarded* as idlers, and the 'eric'-*fine* for *injury* to idlers shall be *paid* for *injuring* them. The beasts and non-sensible persons belonging to sensible adults who are not present, or who though they be present are required for the purpose of work, or who though not

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 Զոմարս, ոճո դբար և ուիսար սաւիծ զո տօյմարս  
 ոչոմարս, ամաւ տօրbachu ւոս Բսթօւ, օսար ամաւ տօրba  
 և րաւ օսար և ուոճոնաջետ, օսար օրս տօրba ւոստ.]

Ա Բաւ յա տօրմաջ աւարս րճ նեմաւարս ու ւո սաւո, ուո տօ րոճ Բար աւիցո ան, մաւ օր, ու Բա տրաւ ու աւիցոնա մաւ րաւար; աւտ մաւ տօրմաջա Բիճոնճ, ու աւեւիւ Զոմարս, ու Բիճոն ուոնաւ.

Ա Բաւ և տօրմաջ աւարս րճ նեմաւարս ու ւո սաւո, ուո տօ րոճ Բար Լճօրս Լա աւիցո ան մաւ օր, ու Բա տրաւ ու աւիցոնա մաւ րաւար; աւտ մաւ տօրմաջա Բիճոնճ, ու աւեւիւ Զոմարս, ու Բիճոն ուոնաւ.

Cach Բաւ և ուեւարտ րօր ու մԼաւ սրօրա օսար սրօրա-  
 տա, ւր և Բիճ ար; cach Բաւ ու Լեւարտ, ւր և ուեւիւ.

Cach ու րօր ար օւոս սրօր օւոսոս Բեմա, օ Բո զեմա  
 Կ. 915. ամաւ րոն Լե, ւր Բեմա տրաւ, [օսար ւր րԼաւ և Լեւ րար  
 ու Լաւիւ]; մաւ Բեմա տրաւ, ւր Բիճոնճ Բո րաջաւ րար.

Cach ու րօր ուր օւոս սրօր օւոսոս Բեմա, օ Բո զեմա  
 Լե ամաւ ւր Բիճեւ Կանաջաւ, ւր Բեմա տրաւ;  
 մաւ Բեմա տրաւ, ւր Բիճոնճ Բո րաջաւ րար.

Ու Լաւ ԲոնԶոմարս ւիւ ու Կանաջաւ Բո Բեմա Կե  
 Կլօրտ, ու Կե աւար, ուո ուեւ սրօրա Բո րաջաւ և  
 Լե րաւ; աւտ մաւ Եմա րօջաւ և ուոսոսաւտ ւո զոմա

<sup>1</sup> *If it be not so constructed.* That is, if a building be constructed according to the form, &c., prescribed by law, the owner is exempted from liability in consequence of accidents connected with it; if a building be otherwise constructed, any

required for the purpose of work, could not be driven away without interrupting the work, *are to be regarded* as profitable workers themselves, their beasts and non-sensible adults as profitable workers, and the 'eric'-fine for profitable workers *shall be paid for injury to them.*

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Where seeing does not add anything to the liability of a man more than not seeing, no more than compensation is paid<sup>a</sup> for a beast injured by him (*the workman*) if it (*the beast*) was seen, or two-thirds of compensation if it was not seen; unless the case is aggravated by wickedness, or dangerous nature of the work, or peculiarity of place.

<sup>a</sup> Ir. Goss.

Where seeing adds to the liability of a person more than not seeing, compensation for a beast injured by him does not exceed half-'dire'-fine with compensation if it was seen, or two-thirds of compensation if it was not seen; unless the case is aggravated by wickedness, or dangerous nature of the work, or peculiarity of place.

Wherever the man entitled to the exemptions<sup>a</sup> has given orders to warn and scare off, he is to have the benefit of them (*the exemptions*); wherever he has not given orders, he is not to have the benefit of them.

<sup>a</sup> Ir. The man of the exemptions.

Every thing (*building*) of which an author of law has specified the construction, if it be so constructed, is a lawful building, it is fully exempt; if it be not so constructed,<sup>1</sup> wickedness shall be the rule with respect to it.

Every thing (*building*) of which an author has not specified the construction, if they (*the builders*) have constructed it as lawfully as they were able, is a lawful building; if they did not so construct it, wickedness shall be the rule with respect to it.

It is not necessary to apply the rule of notice in the case of rough works which cannot be done without being heard or seen; unless an injury has happened, immediately at the commencement of the work, and if it has happened, let it

accidents connected with or arising from it, will be considered as having been caused by the owner of "malice prepense."

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բօ ճօտօր, օսւր մառա ղեւմա, ա իր : յօթրնա ղնջեծ՝ ո՞ն նա  
ղթրնա.

Ուսիւ շնոմբառա քօւս ղառնաճա սիւս Կոնօքա ա ղոն-  
մա Կոն Կլօրտոն ո՞ն Կոն աւրոն, իրօ ղնջար սրբօքա օսւր  
սրբարտառ ղօ քաջալ քսիւ : սրբօքա ղօ Կոնաճաւ, սրբար-  
տառ քօն օսւր Եօտնաճ, օսւր ղսրբառ աթա Կօտալա, Կսրօր  
օսւր ղաւլ ղսրբարտառ.

Յա մօքա մսքաւն.

C. 917. 1. քան ղօ մօքա՞ն : յօթրնա քօն ու, 1. ոն ու  
քօթրնա ղօ ոն քօն Կիր ինա [մանձնաւ], մանա Կօմաւն,  
ինա Կանթրոն Կօմաւնիցի 1. ոն Կաւ.

C. 918. [Մա՞ն քի ոն Կաւ քօ քաճեղաւք անօ իար նա շնոմաւք  
օսւր իար նա քսիցիւք, օսւր ու քօն քի քօրքաւառ նա Կաւ-  
Կաւս նա Կօրքաւար աւս, իր ղոնա Կօրաւի 1, օսւր իրաւաւ  
1 Լե՞ք քի նա Կաւս.

Մա՞ն քի ոն Կաւ ղօ Կաւն ղա Կաւ, իրաւաւ քրԵճ օսւր  
ԵթրԵճ ղօ Կօ քօնոն Կօն քի Եթրքաւար, քրԵ.

<sup>1</sup> C. 918 gives this and the subsequent paragraph more fully, as follows:—

Ուսիւ շնոմբառա ԿօրԵճ անքօւս անաւոնաճա սիւս Կօնօքա ա նա  
քօքա ա Լօր Եաւա, նա քօքա ղօ Կօնա Կոն Կլօրտօճ, ոն Կոն աւրոն,  
նօն քսիւսն ղնջօ սրբօքա ոն սրբարտառ ղօ Կօնաճ, սար իր Լօր  
ղա սրբօքա ան քաւրոն ոն ա Կլօրտոն քօն : աճ մանա Եօմառ քօքա ղօ  
Կօնա ոն ինօքաճ ոն Կօն Կօնա քօ Կօտօր : օսւր ղա Եօմառ, իր անաւ  
նօն Կօնա քօնա իմ Լե՞ք աւիցի 1 քօրԵճ : օսւր ոնօ քօն ու իր մօն նա քի  
անօ, աճ մանա Կօրքաւաւ Կօրքաւ 1. ոն Կօնա, ոն աւԿաւս քօնոմաւ,  
նօ Կօնա ոնառ : օսւր մա՞ն Ե՞ն, իր քաճ քօն քաճ.

Ուսիւ շնոմբառա քօւս ղառնաճա սիւս քօն քօնա ղօ Կօնա Կոն  
Կլօրտօճ Կոն քաւրոն, իր Ե ղնջար սրբօքա անօ 1. սրբօքա ղօ Կօնաճաւ :  
սրբարտառ քօն օսւր Եօտնաճ, օսւր ղսրբա աթա Կօտալա քօն Կօտալա,  
օսւր Կսրօր օսւր ղաւլ սրբարտառ, Կօ քի ա քօնաւ օսւր ա մԿաւրն. Օ  
քօն քօնա անաւոն քի, իր քօնա քրԵճ օսւր ԵթրԵճ անօ : քօնա քօնա-  
քօնա 1 նաք քօնոմաւ օսւր ին Կա՞ն քօն օսւր ին Կա՞ն քօնաճ. Կոն քի  
Կոն քաւրոն քի : ոն Կօն, մանա քօն Կաւաճ մսքաւա.

\* *The exemption of a servant.*—That is, a servant is not liable to fines for acci-  
dents arising from the performance of his legitimate work, in his proper place.

\* *The sagan, &c.*—The MS. E. 3, 5, part II. p. 27, is here defective; it has only  
a few fragmentary phrases. The other MSS. available are also defective at this point.



be known whether *the precaution required by law* have been observed or not.<sup>1</sup>

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*In the case of* all fine scientific works, which can be done without being seen or heard, it is required by law *to apply* the rule of notice and removal: *warning is to be given* to sensible adults, beasts and non-sensible persons *are to be* turned away, and sleepers *are to be* awakened, deaf and blind persons *to be* removed.

The exemption of a servant<sup>2</sup> in *performing his* service.

That is, the servant is exempt in the manly service which he performs, i.e. the man who is performing<sup>a</sup> his service, i.e. <sup>a</sup> Ir. *Is.* the service he is bound to perform,<sup>b</sup> in his proper place *is* <sup>b</sup> Ir. *His* *not responsible for accidents resulting from his work*, i.e. *service of obligation.* in respect of the fagot, &c.<sup>3</sup>

If it was the fagot that did the injury, after it had been made and placed, and if he (*the servant*) had no knowledge of excess danger or defect, it is a lawful deed, and he is exempt in all respects.

If it was the head of a hatchet that flew off,<sup>c</sup> there is <sup>c</sup> Ir. *If the hatchet went off its head.* exemption *in respect of injuries done to* idlers and unprofitable workers for the first slipping off without knowledge of defect, &c., *on the part of the servant.*

"In all rough, coarse, unscientific works, such as require no science, which cannot be done without being heard, or without being seen, the law does not oblige the sane adult to warn or remove *children, idiots, &c.*, because the very seeing or hearing of them (*the works*) is sufficient warning; unless injury has happened from the first blow at once; and if it has happened, it is as *the case of* unnecessary profit with respect to half-compensation for *injury to* an idler; and there is nothing (*no fine*) beyond this, for it (*the injury*) unless malice increases it, i.e. *on the part of the owner of the work*, or the dangerous nature of the work, or peculiarity of place; and if so, the fine is according to the cause.

"In all fine scientific works which can be done without *their* being heard or seen, it is required to give warning; i.e. warning to sane adults; beasts and non-sensible adults *are to be* removed, and sleepers *are to be* awakened from their sleep, and deaf and blind persons whose deafness and blindness are known, *are to be* removed. When it is so done, there is exemption for *injury to* idlers and unprofitable persons; one-third of compensation for fellow-labourers and for every beast and every profitable worker *that is hurt*. This is when there was neither knowledge nor seeing<sup>d</sup> (*of the works in progress*) or though there was, *the case is the same*, unless there was power of avoiding the danger."<sup>4</sup>

<sup>d</sup> Ir. *Without knowledge, without seeing.*

THE BOOK OF AICHEL. Cen betar acá ruiozeato ocur aca gnumezato, planti  
 Երբայց ocur ետրբայց ոօ րաջալ ։ Լե՛ ղե ։ Շրսան աւիշոնա  
 ։ յաբ comշոմրայ՛, ին Եա՛ շորԲա, ocur ին Եա՛ ղոԲ.]

Մար Ե ինտ ։ յշնա՛ճա՛ջԵԹ ա ճալ ոօ ճար ԵԵ, ղլանտ ԵրԲա՛  
 ocur ԵտրԲա՛ ղոն ։ ocur Շրսան յաւիշոնա ։ յաբ comշոմ-  
 րայ՛, ին Եա՛ շորԲա՛ ocur ին Եա՛ ղոԲ ԵԵ ղր ։ ocur շա՛ճտոն  
 օ Լա՛ճոյրԵ Եօ Շրսան յաւիշոնա.

Մսնա ԲԵ ին տոա՛ ։ յշնա՛ճա՛ջԵԹ ա ճալ ոօ ճար ԵԵ ոօ-  
 շրԵր, իր ամսլ ինԵԵԵԵԵԵԵ շորԲայց իմ Լե՛ աւիշոն ։ յԵրԲաԵ  
 ocur ։ յԵտրԲա՛ճ ։ աւիշոն ա շորԲաԵ, Լե՛ յոյր Լա ա՛ճոն  
 ա ղոԲ Եօ յաւիշոն ղա ղոԲ, ocur մսնա աԵա՛, իր աւիշոն.

Մար Եա Բսալոն, ոօ Եա տոոլ, ոօ Եա ԵԵճալ, ոօ Եա ԵօրԲա՛  
 ար ա մսլոն, ղլանտ ԵրԲա՛ ocur ԵտրԲա՛, ocur շա՛ճ՛ օ Լե՛  
 յոյր [Եօ Շրսան յա՛ճոնա] ղոն. Ocur մա ղԵ ա ճա՛ ղո մա՛Թ,  
 իր ա ԲԵԵ՛ ամսլ ԵԵրԵԵոն. Մար Երսոն ղո տու Եոյր, ։  
 ղԵոմաոնա յա ղա՛ճալ ղոյ. Ocur ու ղաոն ղուոյա՛, ocur  
 յա՛մա՛ ղաոն ղուոյա՛, իր ամսլ ԵԵ ղԵոն Եա՛ ղԵոն. Ա  
 Լա՛ճոնոն ղոն ։ ocur մա ղԵ՛ճար Լա՛ճոնոն, իր ամսլ ինԵԵԵ-  
 Եոյր շորԲայց.

Մար ար Ելա՛ ոօ ար Եօրա՛ ոօ ։ ոոնա՛ ԵօրԲա՛ ղո  
 ղուոյա՛ ա Եալ, իր ա ԲԵԵ՛ ամսլ ինԵԵԵԵԵ շորԲայց իմ  
 աւիշոն ղոն ։ ոօ ամսլ ին Եալ ոոմրոնո ։ ԲԵԵԵ՛ ոօ  
 ղա՛ճալ ղոյ.

Մար Ե ա ճա՛ ղո մսլոն, ocur ու ղոյոն ղոյ ղօրԵրա՛ աւ-

<sup>1</sup> *Unnecessary profit.*—That is, the presence there of the injured persons was profitable to them, though they were not under any necessity to be there.

As long as it (*the fagot*) is being placed and made, exemption *in respect of injury* to idlers and unprofitable workers is the rule with regard to it; one-third of compensation is *the fine for injury done* to fellow-labourers, all profitable workers, and all beasts.

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If it be the place in which he was wont to cast off his bundle, he is exempt from *the consequences of any injury done* to idlers and unprofitable workers; but *he is liable* to one-third of compensation for fellow-labourers, for profitable workers and for beasts *if injured* unwittingly; and it (*the penalty*) is reduced\* from half-'dire'-fine to one-third of compensation.

\*Ir. Comes.

If it was not *in* the place wherein he was wont to cast off his bundle always, it is as *a case of unnecessary profit*<sup>1</sup> in respect to half compensation for *injury done* to idlers and unprofitable workers: compensation *is due* for profitable workers, half-'dire'-fine with compensation for beasts when the beasts were seen, and compensation *alone* if they were not seen.

If it was at the cutting of it, or at the gathering of it, or at the tying of it, or at the adjusting of it on his back, *the injury was inflicted*, he is exempt from *finer in respect of* idlers and unprofitable workers, and it (*the penalty*) is reduced\* from half-'dire'-fine to one-third of compensation. And if it be its tie that has given way, it is like a *case of* first slipping off. If it be a stick that has fallen from it (*the bundle*), it (*the case*) is to be regulated by *the law of* "slippings off." And *this is so if* the arrangement of it (*the bundle*) is not different from the usual one, but if the arrangement be different, each slipping is as a first slipping. These *are slippings* in his (*the servant's*) proper place, but if outside his proper place, it is as *a case of unnecessary profit*.

If it be on a dyke or on a wall or on an uneven place the fagot was placed, it is to be regarded as *a case of unnecessary profit* as regards compensation for *the injury done by it*; or, like the case of "the pointed stake;" it (*the case*) is to be ruled by wicked intention.<sup>b</sup>

<sup>b</sup>Ir. Wicked-  
ness.

If it be its tie that gave way, and if he (*the servant*) had no knowledge of excess, danger, or defect, it (*the case*) is the

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beile na etallair, ir inano ocur no cuireo de i laithirio  
Ma ta fir forcpair, aicbeile, ocur etallair, ir inano do  
ocur no cuireo de a rehtar laithirio im leé anghin in  
erbaé ocur in etarbaé.

C. 920. Ocur ir eo ir laithirio don éant caé inat a cuirenn de  
hi do gner, ocur a bail na fuil fir forcpair, aicbeile,  
[na etollair]. Ocur ir eo ir rehtar laithirio ann, caé  
bail na cuirenn de hi do gner, ocur a bail a mbí fir for-  
cpair, aicbeile, ocur etallair; ocur gemuó a laithirio  
no beé fir forcpair, aicbéile, ocur etallair, ir inano ocur  
no cuireo de hi a rehtar laithirio.

Na daine do rala do na aighí, máe connairium iat-  
rom, ocur ní acatarrom eiren ocur ní etatar in bail a  
cuireno de hi cach nuairé, eiric aicrena uatrum doib-  
rium, ocur eiric nemaircena uatrait doorum.

Mat connecatarrom eirium ocur ní acatarrom iatrom,  
ocur no petadar in bail a cuireano de hi cach nuairé,  
eiric aicrena uathibrium doorum, ocur eiric nemaircena  
uatrom doibrium.

C. 919. Ir eo ir laithirio do moḡair anoirin ear a láime ocur  
[ramtairge] a tuairi uat ar caé leé; cío amuir, cío a tair  
rin; no dono cena com a tair rin, ir eo ir laithirio amuir  
in oirer bo doig in tirlirin do rochtain uat cach leé.

O muḡ urraib aat rin i nduine; ocur a cethri reht-  
mar o muḡ deorair, da rehtmar ocur cethruime rann  
dec o muḡ murdairé, rehtmar o muḡ uair.

<sup>1</sup> And he did not see them.—The plural form “acatarrom, they saw,” appears  
to be a mistake. The sense requires “acairrom, he saw.”



same as if he had cast it off in the proper place. Should he have knowledge of excess, danger, or defect, it is the same as if he had cast it off outside the proper place as regards half compensation *for injury* to idlers and to unprofitable workers.

"The proper place" of the fagot means whatever place he is in the habit of putting it off him always, and implies<sup>a</sup> that he has no knowledge of excess, danger, or defect. And "outside the proper place" means wherever he is not in the habit of putting it (*the fagot*) off him always, and implies<sup>a</sup> that he has knowledge of excess, danger, or defect; and should he have knowledge of excess, danger, or defect, though it was in the proper place *he put it off*, it is the same as if he had put it off him outside the proper place.

When the persons who happened to meet him *have been injured by his fagot*, if he saw them, and they did not see him and did not know the place where he was in the habit of putting it off him every time, the 'eric'-fine for seeing *is due* from him to them, and the 'eric'-fine for non-seeing *is due* from them to him.

If they saw him and he did not see them,<sup>1</sup> and if they knew the place in which he was in the habit of putting it (*the fagot*) off him always, the 'eric'-fine for seeing *is due* to him from them, and the 'eric'-fine for non-seeing *is due* to them from him.

"The proper place of the servant" in this *case* is the length of his hand and the handle of his hatchet from him on every side; this *is* whether outside or in a house; or indeed, *according to others*, this is in a house, and "the proper place outside" is as far as a chip *from the wood* might be supposed to reach on every side.

From the servant of a native freeman this (*the compensation before stated*) is *due* for *injuring* a person; and four-sevenths of it are *due* from the servant of a stranger, two-sevenths and one-fourteenth *of it* from the servant of a foreigner, and one-seventh *of it* from the servant of a 'daer'-person.

THE BOOK  
OF  
AICILL.

O mug uirraib ata rin i mboin; ocuf tu cuiceb o mug  
veorairb, va cuiceb o mug murcairbe, cuiceb o mug vaip.

O mug uirraib ata rin im ech; a teora ceithruime o  
mug veorairb, lef ocuf oetmaib o mug murcairbe, lef  
nama o mug vaip.

bla ech aenach.

C. 924. 1. irlan don ti berer in tef leir rin naenach, mar  
ar óin ruair hí, [ocuf ní fer a bithbithé]. irlán don rin  
veorairb ar ein, aet na ruca aoi féin, reet trairéi véé do  
éul no do éuib; ocuf má ruca ca imurro, munar inoir,  
ir ic a cinair ir in tethair fair.

1. slan don ti berer in tech ir in naenach; rlan do ce  
bhuirer in tech, aet narab tre borblaach, narab ruir  
tar trocht, co rin a etrachet; ocuf mar eo on, ir riach fon  
raet air.

C. 921. slan veorairb neich ce ruachnairb in tef ruirum, aet nar  
a beos, no reos, no lua, no raebliem, no cor fo laim,  
[no pper], no cenn a ngabal; [ocuf maib ear on, ir lef  
riach fo bithbithé uirre], ocuf merach a herma do rcor  
in lete aile ti.

slán veorairb in eich na huile neiche va ra taircebar, aet

<sup>1</sup> *The exemption as regards a horse in a fair.*—That is, the law regulating the cases  
in which the owner of a horse at a fair is not liable to damages for injuries caused  
by the horse.

<sup>2</sup> *Is also exempt.*—That is, he is not liable for damages for injuries done by the  
horse, when done at a distance of less than 17 feet from the place where the horse  
stands, i.e. unless the viciousness of the horse be extraordinary; if the owner bred

From the servant of a native freeman this is *due* for *injuring* a cow ; and three-fifths of it are *due* from the servant of a stranger, two-fifths from the servant of a foreigner, and one-fifth from the servant of a 'daer'-person.

THE BOOK  
OF  
AICILL.

From the servant of a native freeman this *fine* is *due* for *injuring* a horse ; three-fourths of it are *due* from the servant of a stranger, half and one-eighth from the servant of a foreigner, and half only from the servant of a 'daer'-person.

The exemption as regards<sup>a</sup> a horse in a fair.<sup>1</sup>

<sup>a</sup>Ir. *Of*.

That is, the person who brings the horse with him to the fair is exempt from *finer* for injuries done by it, if it was on loan he got it, and if he did not know its viciousness. The man who had given it on loan is also exempt,<sup>2</sup> as far as seventeen feet behind it or on each side of it, so as it was not foaled for himself ; if however it was foaled for him, he pays for such injuries as it may commit in its violence, unless he had told of its viciousness.

That is, the person who brings the horse to the fair is exempt<sup>3</sup> ; he is exempt even though the horse should break down, but so as it did not happen<sup>b</sup> through cruel violence, or through driving it beyond its strength, being aware of its weakness ; but should it be so, he shall be fined according to the nature of the case.

<sup>b</sup>Ir. *Was not*.

The owner of the horse is exempt<sup>4</sup> though the horse has injured him (*the borrower*), but so as it did not happen<sup>b</sup> through a start, or a fit, or a kick, or a false spring, or a twist underhand, or a bounce, or head in fork ; but if it be through any of these, there shall be half-fine upon it<sup>5</sup> for its viciousness, and the excitement of being driven takes the other half-fine off it.

The owner of the horse is exempt<sup>6</sup> as to all things over

the horse he has notice of his vice, although ordinary, and is liable unless he gave notice of this to the person to whom he lent it.

<sup>1</sup> *Is exempt*.—That is, from damages for injuries done to the horse.

<sup>2</sup> *Is exempt*, i.e. from damages for injuries done by the horse to the borrower.

<sup>3</sup> The words in brackets in the Irish here are by a later hand.

<sup>4</sup> *The owner of the horse is exempt*, i.e. from damages for injuries done by the horse to third parties, when being ridden.

**THE BOOK  
OF  
ANCIEN.** α μασαίτ πο πιανελιόι ια κοπναίγ uil uirre. Οξήμαρ σπν-  
lan co bar i nerbaē; leōirne na cneiri ocyr aēpuy comlan  
co bar a torbaē; leōiru la cechtar πο πο ταeb αιηζερα  
iar mbar, ciro a torbach ciro a nerbach.

Μα πο αέταίγεο α βρείτ co hιναο αιριέι, ρlan α βρείτ  
co ριici ιη ιηαο πο αέταίγεο, acht na ρuctar ιμαρεραιε  
ταιριρ; ocyr θα ρuctar, ιρ ριαχ ρορεραιε ρομελτα ρορ  
όιη, .i. cuic ρεοιτ, ocyr αιηζηη ιη ειέ, μαγα μαρβ.

Οιο ροοερη conao cυρpυμα ιρ ιη ριαχ ρορεραιε ρο-  
melta ρορ οιη το caē ουιηε, ocyr naē εαο ιρ ιη ριαχ  
ροιμρυμε? ιρ ε ραέ ροοερη, αρ ραιρ[ιρ]εθ τρραciεθ bar  
ιη ριαέ ρορεραιε ρομελτα ρορ όιη, ocyr ηι εθ bir ιη ριαέ  
ροιμρυμε. Μυηαρ αέταίγεο α βρείτ co hιναο αιριέι, ρlan  
το α βρείτ co ριici ιη ιηαο ιρ αιl leiρ, αέτ na τυα ραγε  
θαρ τραέτ, co ριρ α ηετραέτα uιρρε; ocyr θα τυα, ιρ ριαχ  
ρo αιηεθ α ρατα αιρ αηο.

Μυηαρ αέταίγεο λατхай αιριέι αηη ιαιρ, ρlan cιθ ρατα  
βερεαιρ he; ηo coma ρlan α ροιμρυμ co θεέμαιρ, ocyr  
ριαχ ροιμρυμε o θεέμαιρ amach; ηo coma ριαχ ζαυι.

C. 924. Μα πο αέταίγεο ειρι αιριέι [το έοβαιρτ] αρ αη ειέ, ρlan  
το ιη cυρpυμα πο αέταίγεο το ταβαιρτ uιρρι; αέτ na  
τυctar ιμαρεραιε αιρ ταιριρ; ocyr θα τυctar, ιρ ριαχ  
ρορεραιε ρομελτα ρορ οιη αηο.

<sup>1</sup> Or it is a fine for theft.—That is, there is an implied contract to use the hired horse reasonably; destroying it by unreasonable use becomes a wrong, and as there



which it is brought, and as to damages, it (*the case*) shall be ruled by the law of fair play as to the sensible adult who rides<sup>a</sup> it. There shall be full sick maintenance till death for *injuring* an idler; half 'dire'-fine for the wound and full sick maintenance till death for *injuring* a profitable worker; half 'dire'-fine for the wound and compensation for either of them, whether profitable worker or idler, after death.

THE BOOK  
OF  
AICILL.  
—  
<sup>a</sup> Ir. Is  
upon.

If it was agreed upon (*between borrower and lender*) to bring it (*the horse*) to a particular place, he (*the borrower*) is safe in bringing it till it reach the place that was agreed upon, provided it be not brought too far beyond it; and if it be so brought (*unreasonably far beyond the place*), it (*the penalty*) is the fine for excessive use of a loan, i.e. five 'seds,' and the equivalent of the horse, if killed.

What is the reason that as regards the fine for over-using a loan it is the same on every person, while as regards the fine for over-riding a horse it is not the same? The reason of it is, the fine for over-using a loan is imposed with the expectation that it (*the loan*) would be returned, and it is not so in the fine for over-riding a horse. Unless it had been stipulated to bring it to a particular place, he (*the hirer*) is safe in bringing it until he reaches whatever place he likes, but so as he does not ride it beyond its strength, knowing its want of strength; but if he does so ride it, there is a fine upon him for it according to the nature of the case.

If no particular place was at all agreed upon, *the hirer* is safe, whatever distance it (*the horse*) is brought; or, according to others, it is safe to ride it for ten days, but there is a fine for over-riding it after ten days; or it is a fine for theft.<sup>1</sup>

If it was agreed upon that a particular load should be carried by the horse, he (*the hirer*) is safe in bringing the stipulated amount upon it; but so that too much be not brought upon it beyond that amount; and should it (*an unreasonable amount beyond the stipulated burden*) be brought, the fine for over-using a loan is due in the case.

<sup>1</sup> is no distinction (it would appear) in the Irish laws between "crimes" and "wrongs," it may be defined to be a theft.

THE BOOK  
OF  
AICILL.  
—

Մնա աճտալցո օրս արիւնի ար լար, րլան ու ու նի ար  
ալ լար ու ճաւարտ ար, աճտ արաւ րոյ ծար տրաճտ, օ րի  
ա տրաճտ ; օսր մաւ օտ օտ, րի րաճտ րօ աւոնճ ա րաճտ ար.

Մա րօ սրբօար րօր արաւճ արիւնի ու օիւ, օսր րօ  
րաւ ու րօր արաւճ ու լար ար րօ արաւճ սւլարաւ, օճ  
նիւ րօ լեճտ ու ու արաւճ րօր ու րօր արաւճ.

Մնա սրբօար րօր արաւճ արիւնի ու օիւ, օսր րօ  
րաւ ու րօր արաւճ ու լար ար րօ արաւճ սւլարաւ, ա  
արաւճ րօր րօր արաւճ, արաւճ ա արաւճ արաւճ րօր  
ու րօր արաւճ.

Մա րօ սրբօար րօր արաւճ արիւնի ու օիւ, օսր րօ  
րաւ ու րօր արաւճ ու լար ար րօ արաւճ, ա արաւճ ար-  
աւճ օսր արիւնի, օ րաւ, րօր ու րօր արաւճ ; ա արաւճ  
արաւճ օսր արիւնի ար րաւ, րօր րօր արաւճ.

Մնա սրբօար րօր արաւճ արիւնի ու օիւ, օսր  
րօ րաւ ու րօր արաւճ ու լար ար րօ արաւճ, ա արաւճ ար-  
աւճ օսր արաւճ րօր ու րօր արաւճ ; ա արաւճ արիւնի,  
օ րաւ օսր ար րաւ, րօր րօր արաւճ.

C. 923. րօ րօ արաւճ արիւնի օ րաւ ար, ա արիւճ ա արաւճ  
C. 923. րաւ, [no chlochian], ու արաւճ, [no ա արաւճ րօ ու  
լի], ու ար արաւճ օսր արաւճ, օ րի ա արաւճ  
[no ա արիւնի] սր.

C. 923. րօ րօ արաւճ արիւնի ար րաւ ար, ու ու ար րօ ա  
րօր, ու րօր ա արաւճ, [no ար ա արաւճ.]

<sup>1</sup> If no particular load was agreed upon.—That is, if no amount is fixed, a reason-  
able burden must be put upon the horse, as to the amount of which the knowledge  
of the horse's strength on the part of the person putting on the burden is an  
element.

If no particular load was agreed upon<sup>1</sup> for it, he (*the hirer*) is safe in bringing any load he pleases on it (*the horse*), provided he does not exceed its strength, knowing its want of strength; and if it be so, he shall be fined according to the nature of the case.

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OF  
AICILL.  
—

If the owner has given *the borrower* notice of the horse's viciousness, and the borrower<sup>a</sup> has undertaken to be accountable for all its trespasses, whatever is due of it for its trespasses *falls* on the borrower.<sup>a</sup>

<sup>a</sup> Ir. *The man outside.*

If the owner has not given notice of the horse's viciousness, and the borrower<sup>a</sup> has not undertaken to be accountable for all its trespasses, its trespasses *shall be* upon the owner, except its trespasses of neighbourhood,<sup>2</sup> *which shall be* upon the borrower.<sup>a</sup>

If the owner gave notice of the horse's viciousness, and the borrower<sup>a</sup> did not undertake to be accountable for its trespasses, its trespasses of neighbourhood and of viciousness, if there be neglect, *shall be* upon the borrower;<sup>a</sup> its trespasses involving<sup>b</sup> restitution and those *arising* from viciousness, there being no neglect, *shall be* upon the owner.

<sup>a</sup> Ir. *of.*

If the owner has not given notice of the horse's viciousness, and the borrower<sup>a</sup> has undertaken to be accountable for its trespasses, its trespasses involving<sup>b</sup> restitution and those of neighbourhood, *shall be* upon the borrower,<sup>a</sup> *and* its trespasses of viciousness,<sup>3</sup> with neglect or without neglect, *shall be* upon the owner.

Trespasses of viciousness with neglect, are the bringing of it into the narrow part of a street, or into a paved road, or into a crowd, or to the door of a house or of a 'lis'-fort, or among cattle and non-sensible people, its kicking *habits* or its viciousness being known.

Trespasses of viciousness without neglect, are what it commits in its paddock, or while grazing, or in its enclosure.

<sup>2</sup> *Trespasses of neighbourhood.*—That is, damage to adjoining property, and which might be reasonably anticipated and prevented.

<sup>3</sup> *Its trespasses of viciousness.*—A hirer of a horse with notice, as between himself and third parties, is answerable for trespasses which he could lawfully prevent.

THE BOOK  
OF  
AICILL.  
—

17eo 17 cincta comaiččera ann, iní do dena ne hoiletoab  
ocur ne hairbeoab, ne 17eo ocu17 ne arba17 ocu17 ne poich-  
e[no].

17eo 17 cincta aichgina ann, cač ba17 a 17ia oč17ur no  
aichgin in cincto do dena.

Đlato opo inochoin.

C. 924. [1. 17lán don tí 17m17ur in tó17o 17op in inochoin.]

1. 17lan do, ce doč in inochoin t17er in opo, no ce doch in  
topo t17er in inochoin, no ce tocpa17 in t17rbach etu17u  
cen 17ur cen aic17in. Slaino 17ba17 ocu17 etarba17 do c17-  
17cenn, cen 17ur etallai17; ocu17 t17ian naichgina i na17  
comgno17u17o, in cač topbač, cia no17connaic cen co 17aca17;  
ocu17 in pob ná 17aca; ocu17 má17 connac na 17uba, 17  
aichgin.

Ma17 e in 17cenn tanai17e cena, ocu17 ní 17ain 17uio17gač,  
17 amu17 inoic17ipe topba in aichgin in 17ba17 ocu17 in  
etarba17. Aichgin a topbach ce na17connaic cen co 17aca17.  
Leč17ipe la aichgin a 17uba cen aic17in na pob; ocu17 mana  
aca17, 17 aichgin.

Ma17 e in t17er 17cenn, ocu17 ní 17ain 17uio17gač, ceth-  
17u17e t17ipe la aichgin in 17pa17 ocu17 in etarba17; Leč-  
t17ipe la aichgin a topbuč, cia no17connaic cen co 17aca17;  
lan t17ipe la aichgin a 17ubu co 17aic17in na pob, ocu17 muna  
aca17, 17 leč17u17i la aichgin.

Ma17 e in cethrañ17ač 17cenn, ocu17 ní 17ain 17uio17gač,

<sup>1</sup> *Has been east.*—For “Ce tocpa17” of the text, C. 924 reads “Đia aou  
cu17pe, though there was put.”



Trespasses of neighbourhood are what it does to fences THE BOOK OF AICILL. or railings, to grass and to green corn or to ripe standing corn.

Restitution trespasses are all cases in which sick maintenance or restitution for the injury which is done are incurred.

The exemption of sledge and anvil.

That is, the person who plies the sledge on the anvil is exempt from penalty for injuries arising from the work he is engaged on.

Viz., he is exempt, though the anvil break<sup>a</sup> the sledge, or the sledge break the anvil, or though an idler has been thrust<sup>1</sup> between them without his knowledge or his having seen him. He is exempt from fine for injury to idlers and unprofitable workers, in the first slipping, if he has no knowledge of any defect;<sup>b</sup> and he pays one-third of compensation for injury to fellow-labourers, and to all profitable workers, whether he has seen them or not; and for injury to beasts which he has not seen; but if he has seen the beasts, it (the fine) is full compensation.

<sup>a</sup>Ir. Go through.

<sup>b</sup>Ir. Without knowledge of defect.

If however it be the second slipping, and the arrangement of the anvil and sledge was not different, it is as a case of unnecessary profit in respect of compensation for injuring the idler and the unprofitable worker. Compensation is due to the profitable worker whether he saw or did not see him. Half 'dire'-fine with compensation is due for beasts if the beasts are seen,<sup>2</sup> but if not seen, there is due but compensation only.

If it be the third slipping, and the arrangement was not different, one-fourth of 'dire'-fine with compensation is due for injuring idlers and unprofitable workers; half 'dire'-fine with compensation for injuring profitable workers whether seen or not seen; full 'dire'-fine with compensation for injuring beasts if the beasts are seen, but if not seen it (the penalty) is half 'dire'-fine with compensation.

If it be the fourth slipping and the arrangement was not

<sup>a</sup> If the beasts are seen.—The MS. reads "cen ancin na pob," literally "without seeing the cattle;" but the sense requires "con ancin na pob, with seeing the cattle."

THE BOOK OF AICHEL. — leṭoipe la aichegin a nerbach ocur i netarbach; lan  
oipe la aichegin a torbač. Ro rjačt lan čena a ruvu  
romaino.

Mar ḡa cino ḡo cuaro in toro, a ḡa fir no a ḡa nanfir  
arāen ḡo rjačail ime; no ir ar fir imerṭa a aenur.

Marā fir ḡobann ocur anfir fir imerṭa, in eutruma  
ḡo roṛmačt fir ann ḡic ḡo ḡabaino, ocur in eutruma ḡo  
roṛmačt aicri ocur nemurcarṭa ḡo comíc ḡoib eutru;  
no ḡono čena, a ḡa fir ocur a ḡa nanfir marāen ḡo rjačail  
ime, ir a comíc ḡoib eutru, amuil atá urraṭo rṇaiṭer bir  
ocur roceiro arāile.

Mar ar a laim ḡo cuaro, ir amuil ceṭreinn. Marā  
fir fir imerṭa, ocur anfir ḡobano, ir a bič amuil ata  
arim urraič cen fir roḡla.

Marā comerarḡain ḡo ḡoib orṭaib etarbuar, ačt mar  
etarru buḡein tall ḡo roḡail, ačt ma ḡo fer in ti ḡoib  
ḡairiṭi o rjačt, ir ṭrian naičḡina ḡi[c] ḡo; muna fer, ir  
reirṭo naičḡina o cach ḡoib ina čeile.

Mar o raiṇ amach ḡo roḡail, ma ḡo fer in ti ḡoib o  
rjačt, ir a ic ḡo; muna fer, ir a comíc ḡóib etarru.

Mar ri in inṭeoioṇ ḡo rceino ann, ačt mar ṭre ruiṛeḡ  
a ṭročruiṭiḡṭi, ir a ic ṭfir ruiṭiḡṭi; mar ṭre ruiṛeḡ a  
ṭročbuaṭi, ir a ic ṭfir imerṭa. Máṛ ṭre ruiṛeḡ a  
ṭročruiṭiḡṭi ocur a ṭrochbuaṭi, ir a comíc ḡoib etarru.

<sup>1</sup> *Having seen.*—For “Aicri” of the text, C. 926 has “ṭairṭriu.”

<sup>2</sup> *If the anvil has slipped.*—For “ḡo rceino ann” as in the text, C. 926 reads  
“ḡo cuaró ar in cip, went off the block.”

different, half 'dire'-fine with compensation *is due for in-* THE BOOK  
*juring* idlers and unprofitable workers; full 'dire'-fine with OF  
 compensation for *injuring* profitable workers. Full 'dire'- AICILL.  
 fine has been already mentioned for *injury to* beasts. —

If it be the head of the sledge-hammer that has slipped off, the knowledge or ignorance of both *the smith and the striker* is the rule in the case; or, *according to others*, the striker alone is liable.

If the smith has knowledge of it and the striker has not, the proportion which knowledge adds *to the fine* is to be paid by the smith, and the proportion which having seen<sup>1</sup> and not removed *those who may be hurt* adds to it, is to be paid equally between them; or indeed, it is the knowledge or ignorance of both that rules it (*the case*), and they pay it (*the fine*) equally between them, as it is *where* "a native freeman sharpens a stake and another casts it."

If it be from his hand it (*the sledge-hammer*) slipped,<sup>a</sup> it \*Ir. Went.  
 (*the case*) is to be as a first slipping. If it be *with* the knowledge of the striker, and *with* ignorance on the part of the smith, it (*the case*) is to be ruled as it is in the case of "the weapon of a native freeman without knowledge of trespass."

If two sledge-hammers while being wielded have come in collision, and if injury to the persons engaged<sup>b</sup> only has re- \*Ir. Among  
 sulted, and if the particular person by whom it (*the collision*) themselves.  
 was caused is known, he pays one-third of compensation; if he is not known, one-sixth of compensation is *paid* by each of them to the other.

If it be injury to some one else<sup>c</sup> that has resulted, if it be known which of them caused it, he pays for it; if he is not \*Ir. From  
 known, they pay for it equally between them. that out.

If it be the anvil that has slipped<sup>d</sup> off the block in the case: and if (*this happened*) in consequence of<sup>e</sup> bad fixing, the man who fixed it pays for the injury done; if it occurred in consequence of bad striking, the striker pays. If it (*the slipping off*) be in consequence of bad fixing and bad striking, they (*the fixer and striker*) pay for it equally between them.

<sup>a</sup> For "παιρεθ" of the text, C. 926 reads "παιρηναιου," here and in several other places.

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C. 927.  
C. 927.

Երեւիւն ին իսրայիմ օսւր ին տէլալից իր ամուլ շէր լիւնիմ  
[ին իւրո]. Ընտ ին իսրայիմ օ տօնոն օօ հիմնօն, [օսւր օ  
իմնօն օօ տօնոն] բօր չօնօն.

C. 927. Մար ար իմնօն թօ բօնալ, մար էրէ բարթօ օ օրօժ-  
բաւալ, իր օ ի օրի իմօրէճ օ օնօն; [օճէ մար էրէ բար-  
իւս օ օրօժօնցճալ, իր օ ի օօ չօնօն]; մար էրէ բարթօ  
օ օրօժբաւալ օսւր օ օրօժնցճալ, իր օ օմօն օնօն օտարիւ.

Մար իտ բրթօն ին տէլալից թօ բօնալ օն, իր օ ի օրի  
բիւտ օ օնօն, օճէ մար բալ օմնօրօտ օ չօնօն օն,  
օսւր մա տ, իր օ օմօն օնօն օտարիւ.

C. 928. Մար օ ին օտարիմ թօ բօնալ օն [օ օ օնալ, օ բօնալ  
ին օնա բարիւս օ օրօժօնցճալ թօ օ օրօժբաւալ];  
օճէ մար էրէ բար[ի]թօ օ օրօժօնցճալ, իր օ ի օօ չօնօն  
օ օնօն; մար էրէ բար[ի]թօ օ օրօժբաւալ, իր օ ի օն  
իւրալ օ օնօն. Մար էրէ բար[ի]թօ օնալ, իր օ օմօն  
օնօն օտարիւ.

Մար իտ բրթօն ին իսրայիմ թօ բօնալ օն, օճէ մար  
օմնօրօտ իւր չօնօն օսւր խիտ օլջարթէտ, իր օ  
օմօն օնօն օտարիւ; մար իւ, իր օ ի օն օլջարթէտ  
օն օնօն.

Իր իտ օն օրբալից օն, օնա թօ օտալ թա օն ին  
օտարիմ ին տօնօն.

Իր իտ օն օրբալից օն, օնա թօ օտալ իւր օն ին իսրայիմ  
օն տօնօն.

C. 239. Օւլի օր օսւր օրջէտ օսւր սմա [օ օրթէ ին չօնօն];  
օնօլ օմարթօ օճ օմար օսւր օճ բրթօն օլճէն, օճ ին

<sup>1</sup> *Has caused the injury.*—For “թօ բօնալ” of the text, C. 926 reads “թօ բաւալ-  
նալ,” which has much the same meaning.

<sup>2</sup> *Before their iron was put in the fire.*—Persons were in the habit of going very  
early to the forge in order to get their turn, as it is called, early. Such as fell  
asleep before the placing of the iron in the fire, should be awakened by the smith,  
to prevent their being injured by the sparks, &c. If they were not, the fine for



*The injuries from the sparks of the iron and of the hearth are ruled like the first slipping of the sledge-hammer. The injuries done by the iron in carrying it from the fire to the anvil, and from the anvil to the fire are to be paid for by the smith.*

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If the anvil has been injured, and if it was in consequence of bad striking, the striker alone pays; but if it was in consequence of the iron having been badly held, the smith alone is to pay; and if it was in consequence of bad holding and bad striking, they are to pay equally for it (*the damage*) between them.

If it be the sparks from the hearth that have caused the injury in the case, the bellows-blower alone is to pay for it, unless the smith has urged him to blow strongly, and if he has, they (*the blower and the smith*) are to pay for it equally between them.

If it be the iron that has caused the injury when being struck, it is to be considered whether it was in consequence of bad holding or of bad striking *the injury happened*; and if it was in consequence of bad holding, the smith alone is to pay for it; if in consequence of bad striking, the striking party alone is to pay. If it was through *the fault of both*, it (*the injury*) is to be paid for by both between them.

If it be the sparks of the iron that have caused the injury in the case, and if there has been urging on by the smith and the bellows-blowers, they pay for it equally between them; if there has not been, the bellows-blowers alone pay.

"Profitable workers" here are persons who fell asleep before the iron was put in the fire.<sup>2</sup>

"Idlers" here are persons who fell asleep after the iron had been put in the fire.

Gold and silver and bronze *found* in the smith's forge are *by law* forfeited; the troughs and every range in general,

injury done them was equal to that for injuring a person employed at profitable and necessary work in the forge. But if they had remained awake until the iron was placed in the fire, and fell asleep then, they were regarded as idlers, because they saw the danger, and were therefore dealt with in case of injury from sparks, &c., as if they had been idle lookers on and broad awake.

THE BOOK OF AICILL. րբեճնայցտըր անո ծօ մոնօլըտրաւն նա ցըրծա ; օսըր իր անո րոն ծօ ճաբար օրու տօրծաւք իրոն ցրանօ.

Չօլըր Կաճ ալճե ինօւթիւրս ուլե ի նալճ, ա Կաճտար, ա ցըրծա, ա մուլենօ.

Իր յօլըր ին տօր օսըր ին տարցետ օսըր ին տաւա ա ցըրծա ին ճօբանօ, օսըր ոօօ յօլըր ի ցըրծա ին ցըրծա, սալըր ալճե ինօւթիւրս հե ի ցըրծա ին ճօբանօ, օսըր ոօօն Եժ ա ցըրծա ին ցըրծա.

c. 1392. Խա Կոն Կոնգալ, [աճտ ու լի նեճ Ետըրըս].

c 980. [Եօոն, լան ծօ նա Կոնաւ ին ճալ Կոնօ ծօ ուսօ ա Կոնաւտիւն ա ծա րաօսօ .1. ա ծա լիջըրնա, աճտ ու լի նեճ Ետըրըս.

Աճտալցիմ, Կաճ աճտ Լիւմ անօ, Կօ նաճ Ե ին րըր Ետըրնա Կօլճենօ ծօ ճաւօ րիւր ա ծօլըրնա ծօ լանտի ծօլի ; ոօ աճտալցիմ, Կաճ աճտ Լիւմ անօ, Կոնաճ Ե ին րըր Լեճ Ետըրնա ծօ ճաւօ րիւր նա հաբրաւմ ծօ լանտի ծօլի ինա հուլե Երծաւս օսըր տօրծաւս ուլե մար Կեն րիւր.]

Մա լա լիջըրնա ին ծարա Կոն ար արօ, օսըր ու ուլ լիջըրնա ին Կոն ալե, լան Կու ին րիւր ուլ ար արօ ծօ մարծաճ, օսըր րաճ րաճԼիւճի ա Կօն ին րիւր նա րիւլ ար արօ, Կեն Կաեմաճտա Երրալճե, օսըր մա լա Կօեմաճտա Երրալճե, իր րաճ Կօլա Կլիւճի.

Մունա րիւլ լիջըրնա Կոն ծօլ ար արօ, աճտ Կօոնալց Կա ինմուլլե, Լան րաճ օն Լիւճտ ուլ ար արօ իր նա Կոնաւ, օսըր Լան րաճ ին Կաճ ու միլլըր րօ Կօրաւ, Կե Կե, Կեն Կօ Կե, Կօեմաճտա ա Երրալճե.

<sup>1</sup> For the wooden vessels.—That is, the smith has to redeem the wooden vessels at a price equal to the 'eric'-fine of a profitable worker.

Every unnecessary charge.—That is, everything unconnected with his business

*i.e.* all small vessels of the forge ranged around it, are not however forfeited *by law*; and it is in this case that the 'eric'-fine of a profitable worker is payable for the wooden vessels.<sup>1</sup>

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\* Ir. The  
tree.

Every unnecessary charge<sup>2</sup> left in a kiln, a kitchen, a forge, or a mill, is *by law* forfeited.

The gold and the silver and the bronze are *by law* forfeited in the smith's forge, but they are not *by law* forfeited in the goldsmith's forge, for they are an unnecessary charge in the smith's forge, but not in the goldsmith's forge.

The exemption of dogs in dog-fights when no one comes between them.

That is, the dogs are exempt in the dog-fight made with the cognizance of both their owners, *i.e.* of both their masters, provided no one comes between them.

I stipulate, I make a condition in it (*the case*) that *if* it be not the impartial interposer who went down to separate them, then they (*the dogs*), I say, are exempt; or I stipulate, I make a condition that *if* it be the half-interposer<sup>3</sup> who went down to separate them, then I do not say that they (*the dogs*) are exempt in respect of injury done to all idlers and profitable workers who may be with him (*the half-interposer*).

If the master of one of the dogs is present, and the master of the other dog is not, *it is* safe to kill the dog of the man who is present, and the fine for fair-play shall be paid for the dog of the man who is not present, if there be not<sup>\*</sup> the power of saving, and if there be power of saving, it is a case of fine for foul-play.

\* Ir. With-  
out.

If the master of neither dog of them is present, but sane adults are inciting them, full fine for the dogs is to be paid by those who are present, and full fine for every thing which they (*the dogs*) shall damage under their feet, whether there be, or there be not, power to save it.

left in charge of a kiln-owner, a cook, a smith, or a miller, is forfeited, evidently to prevent the concealing in this way of stolen goods.

<sup>3</sup> Half-interposer.—That is, a person acting in behalf of one of the owners.

**THE BOOK OF AICILL.** .1. in fer etpana coiteaino tainic etappu; ocur map e cu in rip atá ar aipó do foglaio rip, ip lán riach uairó inó; ocur map e cu in rip na fuil ar aipó, ip leé riach, ocur corab e in fer ata ar aipó icur. Ro fer in cu ro fogail rip ann rin; ocur mana ro fer, ip teopa cethruime uatáib aráen ann, .i. leé riach o coin in rip ata ar aipó, ocur cethruime o coin in rip na fuil ar aipó; ocur corab e in fer ata ar aipó icur.

Eðon, plán do na conaib in gal conda do nat a aittin a da riadat, a da-tigerna; plan do caé uib a ceile; ocur riach riandluí in caé ní millrit ro coraib, cen caemačtain a terpaicé; ocur ma ta coemačtu terpaicé, ip riach cola cluicé ocur fellio cola cluicé na fellac ro bai acá fellac.

**C. 980.** [Ac congat comarleicé a hada riadat, plan do caé uib a ceili do marbat, ocur riach riandluiche uathu in caé ní millrit ro coraib cen caemačtain a terpaicé, ocur ma ta coemačtu a terpaicé, ip lán riach, .i. riach cola cluiche.]

Ac congat inbeibne ar a naió busein an aenu, lan riach ro biéiní o caé uib ina ceile; ocur lan riach in cach ní millrit ro coraib, ce be cen co be caemačta teraice; ocur fellacfogail na fellac ro bai acá fellac.

Mará leébrortu ocur ro fer in cu do riúne in fogail, ip amuil fer laime tigerna in con do riúne in fogail, ocur ip amuil fer meon cluicé tigerna in con na terpa.

<sup>1</sup> The MS. is defective here, and the sense cannot be made clear from any of the fragments found in other MSS.



That is, the impartial person interfered<sup>1</sup> between them THE BOOK OF AICILL. here; and if it be the dog of the man who is present that injured him, he (*the owner of the dog*) pays full fine for it; but if it be the dog of the man who is not present, it is half-fine *that is due*, and it is the man who is present that pays. In this case the dog that has done him the injury is known; but if he (*the dog*) be not known, both the owners pay three-fourths fine, i.e. half-fine for the dog of the man who is present, and one-fourth for the dog of the man who is not present; and it is the man who is present that pays.

That is, the dogs are exempt in a dog-fight they engage in with the cognizance of both their owners, their masters; each of them is exempt from *the fines* of the other; but there is a fine of fair play for every thing they injure under their feet, if it could not have been saved; but if it could have been saved, it is a fine for foul play and for looking on at foul play *that is due* by the lookers on that were looking on at it.

In a dog-fight with the consent of both the owners, each of them (*the dogs*) is exempt in case of killing the other, and the fine for fair play *is due* of them for every thing they shall spoil under their feet, when there is no power of saving it, and if there is power of saving it, it (*the penalty*) is full fine, i.e. fine for foul play.

In a dog-fight without being excited<sup>a</sup> and of their own accord alone, full fine according to their wickedness *is due* from each of them to the other; and *there is* full fine for every thing they spoil under their feet, whether there was a possibility of saving it or not; and *there is* the fine for looking on upon the lookers on that were looking on at them. <sup>a</sup> Ir. Un-necessary.

If one of the dogs has been set to fighting,<sup>b</sup> and if the dog which did the injury be known, the master of the dog which did the injury is as one who inflicted the injury with his own hand, and the master of the dog which did not *do the injury* is as the man in the midst of a game.<sup>2</sup> <sup>b</sup> Ir. If it be half-inciting.

<sup>2</sup> *In the midst of a game.*—That is, in the position of a quiescent spectator of a dangerous sport which has resulted in injury to some one.

**THE BOOK**    **MA**pa lečbpoṛtu, ocuṛ nī pēṛ; nō māpa combpoṛtu,  
**OF**            cīa nō pēṛ, cen cō pēṛ, īṛ amuil pēṛ laime iat māp aen,  
**ASCH.**       [nō] īṛ amuil pēṛ meoan cluithe.

In pēṛ etṛana coitcinto do čuaito pīṛ, ṛlan do cač poṛail  
 do veng pūa aca netapṛcapato, ačt napab ap taitgin  
 poṛla pā corp; ocuṛ mato eč, īṛ pīach poṛ pāth, muna  
 coemnacap cēna; ocuṛ mā caemnacap, īṛ pīač po aicneč  
 a pāčā ap; ocuṛ pīač cola cluiti o na conaib inoṛium cen  
 coemačtu, ocuṛ mā ta coemačtu tēṛpācči, īṛ pīač cola  
 cluiti.

c. 931. In pēṛ lečetṛana do čuaito etapṛu, cīo he bučein cīo  
 he in cu pīṛi nōecharo taitb po poṛail pīṛin coin amač tṛe  
 pūṛ[īṛ]eč a lečetṛana ṛum, lan pīač uat īṛin coin amač,  
 ocuṛ ṛlān don coin amuich eīṛium; lan pīač uat īṛin coin  
 pīṛin [nōečait taitb; leč pīač ōn coin pīṛi nōečaito] taitb  
 inoṛium, cen coemactū tēṛpācči, ocuṛ mā ta coemactū  
 tēṛpācči, īṛ pīach cola cluithe.

Māpa coṛnāch do ṛiṣne in inmuille, ṛlan cu ann, ocuṛ  
 pīač po aicneč a pāčā ap pēṛ inmuille.

Māpa mac i naep i ca leč tūṛi do ṛine in inmuille, ceth-  
 ṛuime tūṛe ocuṛ othṛuṛ comlan co baṛ a toṛbač cen com-  
 ṣnom, ocuṛ mā ta comṣnom, īṛ cethṛuime tūṛe ocuṛ leč  
 očṛuṛ; ceitṛu ṛečtṛaito othṛuṛa co baṛ i neṛbach cen

<sup>1</sup> In the midst of a game.—Vid. note 2, page 195, *supra*.

If one of the dogs has been set to fighting,<sup>a</sup> and it is not known *which of the dogs did the injury*; or if they both be set to fighting,<sup>b</sup> whether it be known or not *which of them did the injury*, they (*the owners*) are both as (*in the position of*) one who inflicted the injury with his own hand, or both as the man in the midst of a game.<sup>1</sup>

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<sup>a</sup> Ir. *If it be half inciting.*  
<sup>b</sup> Ir. *If it be joint-exciting.*

The impartial interposer who went down to separate the dogs is exempt, whatever injury he may do to them in separating them, provided that it be not with intent to injure their bodies *he went*; and if it be *with such intent he went*, it is a fine according to the nature of the cause *he shall pay*, even if it (*the injury*) could not be prevented; and if it could be prevented, it is a fine according to the nature of the cause he incurs; and *there is* a fine for fair play for it (*any injury done him*) from the owner of the dogs, if it (*the injury*) could not be prevented, but if it could be prevented, it is the fine for foul play *that is due*.

The half-interposer<sup>a</sup> who went between them, whether it was himself or the dog which he went to help that, owing to his partial<sup>b</sup> interference, injured the other dog,<sup>c</sup> pays full fine for injuries to the other dog,<sup>c</sup> and the other dog<sup>c</sup> is exempt on account of injuries to him (*the half-interposer*); he pays full fine for *the injuries inflicted by* the dog in behalf of which he interfered; half fine *is due* from the owner of the dog in behalf of which he interfered, if he could not have prevented *the injury*, and if he could have prevented *it*, it is the fine for foul play *that is due*.

<sup>b</sup> Ir. *Half*  
<sup>c</sup> Ir. *The dog with-out.*

If it be a sane adult that has excited (*a dog*), the dog is then exempt, and a fine according to the nature of the case is to be paid by the inciter.

If it was a youth at the age of paying half-'dire'-fine that caused the incitement, *he pays* one-fourth of 'dire'-fine and full sick maintenance till death *for injuries* to a profitable worker if he were not an abettor, and if he were an abettor, it is one-fourth of 'dire'-fine and half sick maintenance *he pays*; four-sevenths of sick maintenance

<sup>a</sup> *The half-interposer.*—That is, one biassed in favour of one of the dogs.



**THE BOOK OF ASHILL.** comgnim, ocur ma ta comgnim, yr da rečtmao; cethpuime  
 wiri pe taeb aithgina iar mbar cečtar de, ciro a torbač  
 ciro i nerbach cen comgnim, ocur ma ta comgnim, ceth-  
 puime wiri ocur leth aithgin.

Marā mac i naep ica aithgina do pune in inmuille, da  
 rečtmao othpura co bār a torbač cen comgnim, ocur ma  
 ta comgnim, yr rečtmao; rečtmao othpura co bar i  
 nerpaiğ cen comgnim, ocur ma ta comgnim, yr in rečtmao  
 pann dec. Cethpuime rečtmao na aithgina iar mbar a  
 cečtar de, ciro a torbač ciro i nerbač cen comgnim, ocur  
 ma ta comgnim, yr da rečtmao.

Geibio gneim leč aithgina cu cet cirtač ac mac i naep  
 ica leč wiri, ciro a leč pe pubu ciro a leč pe dainib; ocur  
 noca gabann ac mac i naep ica aithgina, ačt a leč pe pubu  
 nama, amuil do beič cen inmuille wiri; uair neta do lan  
 coonach lan mic i naep ica aithgina; uair cač coonachetu  
 i mbi per inmuille, oligite cu, cač ecoonachetu i mbia per  
 inmuille, inoligite cu. Cač bail irlan cu ac coonach, yr  
 riach fair [i. leč očpar no leč aithgin] ac éccoonač; in  
 bail yr riach fair a coonach, yr mo bair fair ac ecoonač.

c. 982.

**Dia mep cuirmtach, ačt ní bídā nama.**

Dia mep cuirmtach, i. rlan don mīr bepar yr tech i nebar in  
 cuirmt. Ačt ní bídā nama, i. ačt na raib bīobanur nemtechach  
 aice nama, uair mač eo on, noco rlan.

**Mar ar dia rucato anuno he, ocur ar dia no aiputigeo**



till death for *injury* to an idler if he were not an abettor, and if he were an abettor, it is two-sevenths: *he pays* one-fourth of 'dire'-fine besides compensation after death for *injury* to either, whether a profitable worker or an idler, if not an abettor, but if he were an abettor, one-fourth of 'dire'-fine and half compensation.

If it was a youth at the age of paying compensation that caused the incitement, *he pays* two-sevenths of sick maintenance till death for *injuries* to a profitable worker if he were not an abettor, and one-seventh if he were an abettor; *he pays* one-seventh of sick maintenance till death for *injury* to an idler, if he were not an abettor, and one-seventeenth if he were an abettor. One-fourth of one-seventh of the compensation after death *is to be paid* for *injury* to either, whether a profitable worker or an idler, if not an abettor, but if he were an abettor, it (*the payment*) is two-sevenths.

Half compensation is incurred by a dog if it be its first trespass, *when* incited\* by a youth at the age of paying half 'dire'-fine, whether in respect of beasts or in respect of persons; and it is not incurred by a dog incited\* by a youth at the age of paying compensation, only as regards beasts, *and the case is* as if there had been no incitement at all; for the full *fine* of a youth at the age of paying compensation is nearer to the full *fine* of a sensible adult *than is that of a youth at the age of paying half 'dire'-fine*; for the more sensible the inciter of the dog is, the less liable is the dog, *and* the less sensible the inciter is, the more liable is the dog. Wherever a dog is exempt if incited\* by a sensible adult, there is a fine on it, i.e. half sick maintenance or half compensation *to the injured party*, if incited\* by a non-sensible person; where it incurs a fine with a sensible adult, it incurs a greater fine with a non-sensible person.

The exemption of a fool in an ale house, provided he was not an enemy.

The exemption of a fool in an ale house, i.e. the fool is exempt who is brought into a house in which ale is drunk. Provided that he was not an enemy, i.e. provided only he had no previous enmity, for if he had, he is not exempt.

If it was out of charity\* he was brought in, and if it was

\*Ir. *After God.*

THE BOOK  
OF  
AICILL.  
—

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—

Éall, rlan don ti ruc anunn he, ocur rlan don ti ro  
airitnig tal, rlan rputh cen adbur cen biobanar.  
Ocur ma ta biobanar, leé aithgin ar rputh, ocur leé  
aithgin do uil ne lar; ma ta adbar ocur biobanar, teorá  
ceithruime ná leth aithgina ar rputh ocur ceithruime  
do uil ne lar.

Mar ar daigin a cairiachtá rucá anunn he, ocur ar  
daigin a cairiachtá ro airitnig tal, aithgin ar in  
ti ruc anunn he, ocur ar in ti ro airitnig tal. Slan  
rputh cen adbar, ocur ma ta biobanar, leth aithgin ar  
rputh, ocur leé aithgin orru mar aen: ma ta adbar ocur  
biobanar, teorá ceithruime ar rputh, ocur ceithruime  
orruom mar aen.

Mar ar da rucá anunn he, ocur ar daigin a cairi-  
achtá ro airitnig (.i. ro urraem) tal, rlan don ti ruc  
anunn, ocur aithgin ar in tí ro airitnig tal, ocur rlan  
eirum ann cen adbar cen biobanar; ocur ma ta biobanar,  
leé aithgin airium, ocur leé aithgin ar in ti ro airitnig  
tal. Ma ta adbar ocur biobanar, teorá ceithruime air-  
ium, ocur ceithruime ar in ti ro airitnig éall, ocur  
rlan in ti ruc anunn.

Mar ar daigin a cairiachtá rucá anunn he, ocur ar  
da ro airitnig tal, aithgin ar in ti ruc anunn, ocur  
rlan in ti ro airitnig éall he, ocur rlan eirum ann cen  
adbar cen biobanar; ocur ma ta biobanar, leé aithgin  
ar in ti ruc anunn. Ma ta adbar ocur biobanar, teorá  
ceithruime airium, ocur ceithruime ar in ti ruc anunn  
he, ocur rlan in ti ro airitnig thall.

<sup>1</sup> *If he have cause.*—Cause here seems to mean what is called "*causa sine qua non*," something which exasperates the fool, some act or thing causing the affray.

<sup>2</sup> *Borne with within.* The words in parentheses in the Irish are an interlined gloss in the MS.

out of charity<sup>a</sup> he was entertained within, the person who took him in is exempt *from liability for his offence*, and the person who entertained him within is exempt, and the fool, if he have neither cause nor enmity, is exempt. And if he have enmity, half compensation *is due* from the fool, and the other half compensation is remitted;<sup>b</sup> if he have cause<sup>1</sup> and enmity, three-fourths of half compensation *fall* on the fool, and the other one-fourth is remitted.<sup>b</sup>

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<sup>a</sup> Ir. *After God.*

<sup>b</sup> Ir. *Falls to the ground.*

If it was for the purpose of inciting him he was brought in, and for the purpose of inciting him he was entertained within, the person who brought him in, and the person who entertained him within, pay compensation. The fool who has not cause is exempt, but if he have enmity, the fool pays half compensation, and the other two (*the inciter and the entertainer*) pay half compensation; if he have cause and enmity the fool pays three-fourths of compensation, and the other two pay one-fourth.

If it was out of charity<sup>a</sup> he was brought in, and *if it was* for the purpose of exciting him he was entertained, i.e. borne with within,<sup>2</sup> the person who brought him in is exempt, and the person who entertained him within pays compensation, and the fool himself is exempt if he have neither cause nor enmity; but if he have enmity, he pays half compensation, and the person who entertained him within pays half compensation. If he (*the fool*) have cause and enmity, he pays three-fourths of compensation, the person who entertained him within pays one-fourth, and the person who brought him in is exempt.

If it was for the purpose of inciting him he was brought in, and *if* he was entertained within out of charity,<sup>a</sup> the person who brought him in pays compensation, and the person who entertained him within is exempt, and the fool himself is exempt if he have neither cause nor enmity; but if he have enmity, the person who brought him in pays half compensation. If he have cause and enmity, the fool himself pays three-fourths of compensation, the person who brought him in pays one-fourth, and the person who entertained him within is exempt.

THE BOOK  
OF  
AICILL.  
—  
C. 986.

Cir be [mer] no loirce etad a čeile co nathinto no co  
cannoil arpean aithgin ann, ma ta meirce, uair mep  
cađ mer; meirce mepađa raiu, ocup noco meirci lenna,  
uair tamato ead, noco dnueth eirium.

[illegible][illegible]

blā mīānṭ mīṭclāiṣ.

[illegible]

Μαρά μειν ἀρά τὰ τεῦτγαθ, οσυρ νιρ ειρσεθ ὅριρ  
bunαιῶ hi, cuic ρεοιτ αηη, οσυρ αιρεc να μιανα ρειῶ ινα

<sup>1</sup> *Unless it be.* The words "ἀλλ' ἢ, if it be not," are omitted in C. 934 and 1910.

\* *The middle trench.*—"Middle" seems to mean, that the trench is sunk in a



Whatever fool it be that burns another person's clothes with a coal or a candle, pays compensation for it, if it be *done through* drunkenness, for though every fool is *as if* drunk; that is the drunkenness of folly, and not drunkenness from ale, for if it were, he would not be a fool *simply*.

The manifest assault of a fool is when he made it of his own accord, and was not more drunk from having drunk ale, but *because* his having heard the noise and voice of the crowd had the effect of inciting him.

Sensible adults who were<sup>a</sup> not drunk caused his incitement in this *case*, and if they were sensible adults who were drunk, the case is the same as if the incitement had been caused by youths at the age of paying half 'dire'-fine, i.e. the fool would be exempt in the house in which he drank the ale, provided only it was not an enemy *he assaulted*, i.e. *he only pays* compensation, so that he would not be exempt if *the person assaulted* be a person to whom he bore previous enmity, unless it be<sup>1</sup> enmity of father or mother, but *he is exempt* for enmity of one day or night before.

<sup>a</sup> Ir. Without drunkenness.

The exemption as regards mineral in a mine.

That is, the person is exempt who digs the mineral out of the middle trench.<sup>2</sup> This is mineral which has not been appropriated, or though it has been appropriated, respecting which the owner has given his consent. *There is* exemption provided there is no stripping of the sward to get to it, and if there be, it (*the case*) is to be as that of an "unlawful ditch;" and when it (*the work*) is legally done there is exemption *on account* of injuries to idlers and unprofitable workers, but one-third of compensation to fellow-workers *is due* to every profitable worker, and to every animal for every injury done in moving it (*the mineral*) up and down; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

Should it be mineral that has been appropriated, and the owner has not given permission respecting it, *the fine* for digging it is five 'seds,' and the restitution of the mineral

place "in medio," not appropriated by any person, or, which is equivalent, where the owner waiving his right permits it to be considered as unappropriated.

- THE BOOK OF AICILL. — ταρῆαρ, εἰς ἰνα τῆουῖβ, εἰς ἰνα ταναῖλγῖβ, εἰς ἰνα αἰς[ο]ε  
 υπῖλαιμ ber; ocur lan ριαῖ ἰν καῖ ρογαῖλ το ζενταρ αα  
 ἰμλυσ, ocur beῖ ρο εἰναῖο ἰνα εἰαιρῖ, co ροῖβ περ βυηαιο  
 ἰνα αἰαιτῖν ρε ἰαηρα ταιρηο α ἰερυξας, co τοῖλ αἰεῖ μα  
 nemἰερυξας. [Μας εἰ α ραμα ἰο ἰν εῖλυαρατ δεῖ οἰα εἰηη,  
 ἰρ ρεἰηημ το δεῖραῖν τοῖβ], ocur ἰρ ανοηην ατα lan ριαῖ,  
 ἰ cet ρεἰηημ ἰν υἱρ, cen ρῖρ εταλλαιρ.

No bla mein mῖoclayρ.

- C. 1915. .1. ρlan τον μιανοαιξ ἰν ἰῖ εἰαιθερ α μιαν [το εἰαιθεῖρ,  
 .1.] α τῖμ μιρηenna το βῖορ neich αἰε, ἰο α τῖμ ραθαηηα  
 C. 1915. οα βῖορ βυοειν [.1. α ρῖρ] αῖτ ἰνα εἰαιθεα ἰμαρηραῖβ ταιρηρ;  
 ocur οα εἰαιθεα, ἰρ ριαῖ ζαιτῖ ἰνα ἰμαρηραοα υαιῖ, ἰο,  
 cumas ριαῖ ζαιτῖ ἰνα ἡυἰλιαταιοε. Αῖτ μα ταιηε clo  
 α μιανα οε, ἰρ α αἰρεc υαιῖ co lan ριαχαῖβ ζαιτῖ; manῖ  
 C. 1915. ταιηε cloo α μιαν οε ἰτῖρ, ἰρ [αῖῖαιλ] ἰηηοειῖβῖρε τορβα  
 C. 1915. [ἰμ] αἰηηῖνα ἰν βῖο ανη.

Μαηαρ εἰηηοῖξ ἰν ben ἰν βῖορ ἰτῖρ, αῖτ μαρ αρ οαιξῖν  
 μαρβῖα ἰν ἰειηημ ηαρ εἰηηοῖξ ἰν ben ἰν βῖορ, coἱρηοῖρε  
 ocur enecἰann οἰc ρε ρῖνε α αθαρ, cumal οἰc ρε ρῖνε  
 mathap, coἱβῖε ocur enecἰann οἰc ρῖρ ἰν περ.

Μαρ αρ οαιξῖν ηερρα, ocur ἰο ηερρα ἰ leῖ ρῖρῖν lenam,  
 leῖ coἱρηοῖρε οἰc ρε ρῖνε α αθαρ; leῖ cumal οἰc ρε ρῖνε  
 mathap, coἱβῖε οἰc ρῖρ ἰν περ. Ερρα ἰ leῖ ρε neῖ αἰε ρῖν,  
 ocur οαμαο ερρα ἰ leῖτ ρῖρῖν lenam, ρο βα ερρα ἰρ col  
 cluἱῖ, ocur lan ριαχ ἰηο.

<sup>1</sup> For the first slipping of the sledge.—The MS. is evidently defective here.

as it is when taken, whether it be in bars, or in masses, THE BOOK  
or in manufactured\* articles; and full fine *is due* for every OF  
trespass that is committed in moving it, and he (*the miner*) AICILL.  
shall be liable for such injuries as the trench may cause,<sup>a</sup> Ir. Ready.  
until the owner shall have been aware of it (*the trench's* Ir. Of the  
*state*) for a time during which he might have it properly trench.  
settled, he having a choice of not settling it. If it be  
the spade or the shovel that went off its handle, such are  
to be considered as *cases of* slipping off, and it is in this case  
there is full fine, *as there is* for the first slipping of the  
sledge,<sup>1</sup> without knowledge of defect.

Or, the exemption *in cases* of the gratification of  
desire.

That is, the longing woman is exempt in eating what  
subdues her yearning, i.e. three bits of another's food, or  
three sufficient meals of her own food, i.e. her husband's,  
provided she eats not much more than this; and should she eat  
it, a fine for stealing the extra portion *is due* of her, or,  
*according to others*, a fine for stealing the entire. But should  
her yearning be subdued by it, she shall pay *for* it with  
full fines for theft; if her yearning has not been subdued by  
it, it is like unnecessary profit as regards restitution of *an*  
*equal amount of* food in the case.

If the woman did not ask for the food at all, and if it  
was for the purpose of killing the child *in her womb* the  
woman did not ask for the food, there shall be paid body-  
fine and honor-price to the family of the father, a 'cumhal'  
is to be paid to the family of the mother, a 'coibche'-wedding  
present and honor-price are to be paid to the husband.

If it was on account of thoughtlessness *she did not ask*  
*for the food*, and it was not thoughtlessness respecting the  
child, there shall be paid half body-fine to the father's  
family, and half a 'cumhal' is to be paid to the mother's  
family, and a 'coibche'-wedding gift is to be paid to the hus-  
band. The thoughtlessness was respecting some one else in  
this case, and if it had been thoughtlessness respecting the  
child, it would be thoughtlessness of foul play, and full fine  
*would be inflicted* for it.

THE BOOK  
OF  
AICHEL.  
—

Mar ap daiḡin elap no nairē nap ḡuinoḡ in ben in  
biao, cumal oic pē fine aḥap, pechtmaḏ na cumale oic  
pē fine mathap, coibḏi oic ruḡin pēr.

Mar e in pēr na tuc in biao, a pēḡao ca pāḏ ap na tuc.

Aḏt mar ap daiḡin marbḏa in leinim, coirpōirē ocup  
eneclann oic pē fine aḥap ann, cumal oic pē fine  
mathap, coibḏe ocup eneclann oic ruḡin mnai.

Mar ap daiḡin neppa, ocup nī heppa i leiḥ ruḡ in  
lenum, leḏ coirpōirē oic pē fine aḥap, ocup leḏ cumal  
oic pē fine mathap, coibḏe oic ruḡin mnai. Eppa i leḏ  
pē nech aile ruḡ, ocup ḡamato eppa i leḏ ruḡin lenum, po  
bao eapra iḡ col cluiḏi, ocup lan pīach ino.

C. 989. Mar ap daiḡin peḡoachta no ḡainḡo na tuc in pēr in biao,  
[iḡ amail inḡeḏbir ḡorba in aiḡḡin ino]; cumal oic pē  
fine aḥap ann, pechtmaḡo na cumale oic pē fine mathap,  
coibḏe oic ruḡin mnai.

O lanumanḡa ata ruḡ, ocup mara ḡuine naḏ lanumanḡa,  
inunn he ocup ruḡin, aḏt can coibḏi o ḡuine nach lanum-  
anḡa.

No ḡono cēna, ciḡ moḡ ḡa biuḡ pēin ḡo caicḡiḏ conná  
beḏ nī uaiḏi ann, aḏt iḡin biaḏ ḡollamanḡa, .i. cápc no  
noḡlac ruḡ, ocup iḡ ann ata in eiric.

ḏia ḡpuḡh ḡibupcuḡ.



If it was on account of timidity or shame that the woman did not ask for the food, there shall be paid a 'cumhal' to the father's family, the seventh of a 'cumhal' is to be paid to the mother's family, and a 'coibche'-wedding gift is to be paid to the husband.

If it was the husband that did not give the food, it is to be seen for what reason he did not give it.

If it was for the purpose of killing the child *he did not give the food*, there shall be paid body-fine and honor-price to the father's family for it (*the refusal*), a 'cumhal' is to be paid to the mother's family, a 'coibche'-wedding gift and honor-price are to be paid to the woman.

If it was on account of thoughtlessness, and not thoughtlessness respecting the child, *that he did not give the food*, there shall be paid half body-fine to the father's family, and half a 'cumhal' is to be paid to the mother's family, and a 'coibche'-wedding gift shall be paid to the woman. This was thoughtlessness respecting another person, but if it had been thoughtlessness respecting the child, it would be thoughtlessness of foul play, and *there would be full fine payable* for it.

If it was through parsimony or niggardliness the man did not give the food, it is like *a case of unnecessary profit* as regards compensation for it; there shall be paid a 'cumhal' to the father's family for it, the seventh of the 'cumhal' is to be paid to the mother's family, and a 'coibche'-wedding gift shall be paid to the woman.

From a married person this (*the above payment*) is exacted; and if it be a person that is not married, it (*the payment*) is the same as this, except that a 'coibche'-wedding gift is not obtained from an unmarried person.

Or else, indeed, whatever quantity of her own (*i.e. her husband's*) food she consumes nothing is to be paid by her for it, except for the food of a solemn feast, *i.e. of Easter or Christmas*, and it is for *eating this food* the 'eric'-fine is due.

The exemption of a fool in throwing.

THE BOOK  
OF  
AICILL.  
C. 1910.

.1. ʔlan ʔon ʔpuē can eʔuc in ʔibʔaicēi ʔo nī ʔic o biap  
coʔnacʔ ʔoiʔpʔēʔa ap aiʔo, ocup o nā biā aʔbaʔ na biʔ-  
banap aice [buʔein]; no iʔēʔ iʔlan lium ʔon ʔpuē cen eʔuc  
in ʔibʔaicēi ʔo nī ʔic, o na biā coʔnacʔ ʔoiʔpʔiacʔta ap  
aiʔo, ocup o biap aʔbaʔ ocup biʔbanup aice.

C. 1918. ʔla eʔap iʔapʔup [a ʔopʔ a ʔopʔ].

.1. maʔo he a ʔait ʔo neiʔep, iʔ eneclann ocup aicʔʔin,  
no cumāʔ ʔiabla i cʔanʔo lēʔʔa. Maʔo eʔap coiʔcēnn  
iʔupʔo, iʔlan a bʔeiʔ caʔ conaiʔ aʔt co ʔopʔa a aicʔʔin  
ʔein ap culu.

Maʔo ʔait ʔataʔep he, aʔt ma ʔo aicʔneʔ in coiʔcēnn  
he i laiʔm aiʔiʔi, iʔi a eneclannʔum iʔap iʔna ʔait.

Manap aiʔen iʔiʔ he, iʔ eneclann apʔʔ na cille ap  
i ʔoʔail iʔoliʔ i cino cille, ocup aicʔʔin; no cumāʔ ʔiabla  
i cʔanʔo lēʔʔa.

C. 1918. ʔlan ʔon ʔi beʔupʔ lēʔ in ʔeʔap ʔa iʔapʔup ap in  
ʔupʔ iʔna cēile. [iʔlan ʔo cia ʔoʔlaiʔi ʔiʔin eʔap ʔa cʔup  
ʔiʔ ocup ʔa eʔapaiʔt aiʔiʔ; iʔlan ʔo cia bʔiʔpʔēʔ a ʔʔul-  
maiʔeʔʔa ocup a ʔaiʔmeʔʔa, aʔt napab ʔʔia boʔblacʔ,  
uaiʔ maʔ eʔ, iʔ ʔiaʔ a ʔaʔa aiʔ ann. ʔlan an ʔʔiʔ in eʔaiʔ,  
cia ʔoʔail in ʔeʔap ʔiʔupʔam, aʔt na ʔaiʔb ʔiʔ eʔallaiʔ,  
ocup maʔ eʔ, iʔ ʔiaʔ ʔon ʔaʔ]. Eʔap coiʔcēnn ʔin ap na  
ʔuil techʔʔaʔo, no ce beʔ techʔʔaʔo aiʔ, ʔo eʔiʔeʔo ʔʔiʔ  
bunaiʔ he; ocup ʔlan a bʔeiʔ in aiʔeʔ beʔaiʔ caʔa nuaiʔe,  
maʔa eʔap ap na ʔuil techʔʔaʔo, no in aiʔeʔ ʔo eʔiʔeʔo,  
maʔa eʔap ap na ʔa techʔʔaʔo, aʔt na ʔuctap iʔapʔeʔaiʔo  
ʔaiʔiʔ; ocup ʔa ʔuctap, cuiʔ ʔeoiʔ anʔ, ocup aiʔeʔ in  
eʔap cona ʔamaʔaiʔb, cona ʔculmaiʔe, ocup cona aicʔe  
upʔlaiʔm.

<sup>1</sup> Or where I deem the fool exempt, &c.—The MS. seems to be defective here, as the cases put appear to be contradictory.

<sup>2</sup> A wooden vessel.—That is a boat made of timber, as contradistinguished from a coracle.

<sup>3</sup> Unlawful trespass.—This is a quotation from some ancient law-book.

That is, the fool is exempt from paying the 'eric'-fine for his throwing when the sensible adult who incited him is present, and when he himself has neither cause nor enmity; or, where I deem the fool exempt<sup>1</sup> from paying the 'eric'-fine for his throwing, is when there is not an inciting sensible adult present, and when he has cause and enmity.

THE BOOK  
OF  
AICILL.  
—

The exemption *in respect* of a ferry-boat from bank to bank.

That is, if it has been stolen, it (*the penalty*) is honor-price and restitution *of it*, or, *according to others*, it is double for a wooden<sup>a</sup> vessel.<sup>2</sup> But if it be a common ferry-boat, it may be taken any where provided its equivalent<sup>b</sup> be brought back, *i.e. the boat itself be restored*.

<sup>a</sup> Ir. Tree.

<sup>b</sup> Ir. Resti-  
tution of  
itself.

If it had been stolen, and if the community had given it in charge to a particular person,<sup>c</sup> his honor-price shall be paid for stealing it.

<sup>c</sup> Ir. A par-  
ticular  
hand.

If it had not been given in charge at all, it (*the penalty*) is the honor-price of the abbot of the church for "unlawful trespass<sup>3</sup> against the church," and restitution *of it*; or, it is to be double for a wooden<sup>a</sup> vessel.

The person who takes the boat to carry him from one bank to the other is exempt. He is exempt though he injures the boat in taking it up and putting it down; he is exempt though he break her sculls or her oars, provided it be not *done* through violence, for should it be, he shall be fined according to the nature<sup>d</sup> of the case. The owner of the boat is exempt, though the boat should injure them *who use it*, provided he had no knowledge of defect, and should he have, it is a *case of* fine according to the nature<sup>d</sup> of the case. This is a common boat, of which there is no private ownership, or though there be private ownership, the owner has allowed it *to be so used*; and it is safe to take it as far as it is each time taken, if it be a boat which is not private property, or as far as has *usually* been permitted, if it be a boat which is private property, provided it be not taken much beyond it; and should it be *so* taken, five 'seds' is *the fine* for it, and restitution of the boat with its oars, with its sculls, and its ready *made* articles.

<sup>d</sup> Ir. Cause.





If it (*the boat*) be in the hand of a particular person, he takes the five 'seds;' but if it is not, they shall be taken by the ecclesiastic of the territory, *if such there be*, and if he is not, they shall be taken by the pilgrim of the territory.

THE BOOK  
OF  
AICILL.  
\* Ir. Man  
of grade.

If it be a boat which is private property, and which the proprietor did not permit *to be used*, there is full fine for every injury done in putting it up and down, and a fine of five 'seds,' and restitution of the boat with its oars and ready made articles.

If there be a special owner of a bank, and if he owns the bank on this side and on the other, he alone takes them (*the five 'seds'*); but if he does not own *both banks*, he divides them (*the five 'seds'*) equally between himself and the owner of the other bank.

If there be no special owner of a bank at all, and if the boat belong to the territory, it (*the fine*) is taken by the lawful *inhabitants* of the territory.

If it be the boat of a church, it (*the fine*) is taken by the lawful *people* of the church, if there be such; and if there be neither of these, it (*the fine*) is to be taken by the pilgrim of the territory.

Should it be a boat which is private property, and which the owner did not permit *to be used*, five 'seds' is the fine for it—the fine for overusing a loan—and restitution of the boat with its oars and sculls, and full fine for every injury done in moving it up and down; or, *according to others*, there is full fine for every injury that is done in bringing it down, and it is unnecessary profit with respect to restitution for every injury that is done in bringing it up, because it is profitable to save it.

But that there be no over-burden or storm.

That is, to be taken into account, i.e. all sensible adults who are skilled boatmen,<sup>b</sup> for whatever cause asked *to enter it*, are exempt.

<sup>b</sup> Ir. Skilled in the law of sea and water.

As regards all sensible adults who are not skilled boatmen,<sup>b</sup> and all non-sensible adults whether skilled boatmen or not, for whatever cause asked to enter it, there is full incidental to such an act should be less than for those consequent on the launching of it, by which it would be put in peril.

THE BOOK OF AICHEL. բոճաճ օրրօ օսլ ւո, ւր բաճ քօ աւոնեճ ա բաճա ար ւո տի քօ  
բոճա օրրօ; օսւր ւր Ե ւո բաճի ւրո: մար ար օւաճոն ա ճօրա  
տարւր, ւր ամսլ ւոճեճիք տօրճա ւո աւոճոն; մար ար  
օւաճոն ա բլւնճա, ոօ ա ճեճարճա, ւր ամսլ օլ ճլւնճ ւո Լաւ  
բաճի.

Տլաւ ա Բրեճ քօր անքաճ ա բաճոնաւք, ոօ քօր քեճ ւ ուո-  
մար; աճտ նա քաճարքօր անքաճ ւ ուոմար; օսւր օա քաճար,  
ւր բաճ քօմքաճ անո, օսւր աւր ւո Եճար օօ նա քաճա-  
ւո օսւր օոնա աւոն արլաւա.

### Ծա Լաճ Լաւ.

ւ. քլաւ օոն տի Լաւ ւո Լեճ աճտ ոն տարւր օօ Լաւաւ  
ոօ ճաւաւաւ. Ու բաճաւաւաւ, [ւ.] ոօնա քաւլա քաւլա ւո  
ւրո Երբաճ, մա քաւ քօրաւաւաւաւ. Արւաւաւ, Երւաւաւ  
Երւա անո ւրո տօրճա; .ւ. մա քաւ Լաւաւ քօրաւաւաւաւ,  
արւաւաւ ամսլ ճեճ քաւոն օօ քաւ Եաւաւ; օսւր ոօօ  
աւաւ ւո Լա քօ տար աւոճոն, ար ա քաւլա օսւր ար ա ուո-  
աւաւաւ ա ճոմքաւաւ.

Տլաւաւ Երբաճ օսւր Ետօրճաճ օօ ճեճ քաւոն նա Լեճ  
օոն քաւ Եաւաւ, օսւր աւաւաւաւ օ Լեճ օրա անո օօ քաւաւ  
նաւաւաւաւ.

Մար Ե ւո քաւոն տաւաւաւ, օսւր ու քաւ քաւաւաւ, ւր  
ամսլ ւոճեճիք տօրճա ւո Լեճ աւոճոն ւ ուրբաճ օսւր ւ  
ուաւաւաւաւ, աւոճոն ա տօրճա, Լեճ օրա Լա աւոճոն ճեճ քաւ, ճեճ  
աւաւաւ. Մարա աւաւաւ, օօ քաւաւաւաւ ա քաւաւաւաւ օօ օւաւաւաւ  
ւոգաւաւ, ճեճաւաւաւ օրա Լա աւոճոն ւ ուրբաճ օսւր ւ

fine according to the nature of the motive upon the person who asked them; and the fine is this: if it was for the purpose of putting across *the river*, it is as *a case of unnecessary profit* with respect to restitution; if it was for the purpose of wetting them, or splashing them, it is as *a case of foul play* with respect to full fine *being due for it*.

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AICILL.  
—

It is safe to take it (*the boat*) out in a storm, in the presence (*of the owner*), or in calm weather in his absence; but that it be not taken out in a storm in his absence; and if it be so taken, the fine for working it shall be *paid* for it (*the taking out*), and *there shall be* restitution of the boat with its oars and its ready made articles.

#### The exemption in respect of filling a ladle.

That is, the person who fills the ladle is exempt so as it is not over-filled or inclined to *one side*. There is no fining, i.e. there is no fine at all for *injury done to the idler*, if it has leaked through it (*the vessel*). It (*the injury*) shall be paid for, i.e. 'eric'-fine shall be paid for it (*the injury done by leaking*) in the case of the profitable worker; that is, if it has leaked through the vessel, it (*the injury done*) is paid for like the first slipping with knowledge of defect; and this exemption does not hold good beyond *cases of restitution*, because of the trifling and non-dangerous nature of the action.

There is exemption *from fines* for *injury done to idlers and unprofitable workers* by the first slipping of the ladle without knowledge of defect, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

Should it be the second slipping, and the arrangement be not different, it is as *a case of unnecessary profit* as regards half compensation for *injury to idlers and unprofitable workers*, compensation for *injury to profitable workers*, half 'dire'-fine with compensation for *injury to animals* if they are not known to be present, or not seen. If they were seen, and if its reaching them may have been expected and could have been avoided, *there is* one-fourth 'dire'-fine with compensation for *injury done to idlers and unprofitable*

THE BOOK **netarbaix**, leñ vire la atehgin a torba, ocur lan vire la  
OF  
AICILE. atehgin a rubu.

Mar e in tper rceinm, ocur ni rann ruiotixub, cethruime  
viri la atehgin i nerpañ ocur i netarbañ, leñ vire la ateh-  
gin a torba ocur a rubu cen rir cen acrin. Co railecta  
a riacetana, co caemaecta imgabala, leñ vire la atehgin i  
nerpañ ocur i netarbañ, lan vire la atehgin a torba, no  
riact lan cena a rubu.

Mar e in cethraññac rceinm, ocur ni rann ruiotixub,  
leñ vire la atehgin i nerpañ ocur i netarbañ, lan vire  
la atehgin a torbañ ocur a rubu.

C. 1923. **bla** fer cata on tpañ co raiile, [no co cenñ pecht-  
mañe.]

.1. rlan vo a rpar comcañ buñoin vo marbañ on tpañ  
C. 1923. co raiile, [mañ] iñ rā tuaiñ [i comrocrab ber in cat], no  
iñ rā cuicēñ; no co cenñ pechtmañe, mar rā cūicēñ i  
nañiñ aen cuicēñ, no iñ rā gulla ocur gaeñelu. Ocur cū  
iat riru eirēñ uile ber i naen baile ar in rē beñir a  
C. 943. cur in cañ rīn, [ir e rīn rē ata eturro]; ocur ó ña rīn  
amach ir añuñ fer pechta i necore uilriñ vo a fer  
comcañ buñoin vo marbañ, no ir amuñ inuñreñ i rīñ  
inuñriñ.

ir anñ ir [añuñ] fer pechta i nécore uilriñ vo a fer  
comcañ buñoin, in inbañ na rāib berena etarpu ocur in

<sup>1</sup> *If it be a battle between Galls and Gaels.*—C. 1925, adds a fragment here,  
"The battle between two territories is to last twenty-four hours; that between



workers, half 'dire'-fine with compensation for *injury done* to profitable workers, and full 'dire'-fine with compensation for *injury to animals*.

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Should it be the third slipping, and the arrangement be not different, *there is* one-fourth 'dire'-fine with compensation for *injury to idlers and unprofitable workers, and* half 'dire'-fine with compensation for *injury to profitable workers and animals if they were not known to be near or were not seen.*<sup>a</sup> *If they were seen, and if its reaching them may have been expected and could have been avoided, there is* half 'dire'-fine with compensation for *injury to idlers and unprofitable workers; full 'dire'-fine with compensation for injury to profitable workers, and there is full 'dire'-fine for animals also.*

<sup>a</sup>Ir. Without knowing, without seeing.

Should it be the fourth slipping, and the arrangement be not different, *there is* half 'dire'-fine with compensation for *injury to idlers and unprofitable workers, and full 'dire'-fine with compensation for injury to profitable workers and animals.*

The exemption of a combatant from one day to another, or to the end of a week.

That is, he is exempt for killing his own antagonist from one day to another, if the battle be between two territories or two provinces with mutual notice; or to the end of a week if it be *a battle of* two provinces against one, or *if it be a battle* between Galls and Gaels. And though it be all the men of Erin that are at one place fighting that battle this is the time *during which the battle is supposed to be* between them; and from this out, to kill one's foeman is like *the killing of* a man whom it is unlawful to kill<sup>b</sup> in the person of a man whom it is lawful to kill,<sup>c</sup> or like *the killing of* one whom it is unlawful to kill<sup>b</sup> in the person of one whom it is unlawful to kill.<sup>b</sup>

<sup>b</sup>Ir. Innocent.  
<sup>c</sup>Ir. Guilty.

The case in which one's foeman is as a man whom it is unlawful to kill in the person of one whom it is lawful

two provinces for a week, that between the Galls and Gaels for a month. i.e. certainty for uncertainty, i.e. as to time."

THE BOOK OF AICILL. Luēt amañ; no cé ro bai, 17 iat in Luēt amañh ro tur-  
bro[ʔ].

17 ant 17 amuil inuilepē a pēt inuilepē ʔo a pēp com-  
caēa buōin ʔo mapbāb, in inbair ʔo bai bērcna eturpu,  
ocur 17 iat in Luēt taill ʔo turbro.

Muna ʔoib bērcna eturpu, ʔlainci na ʔogla ʔo niat ʔia  
cup in caēa, ocur iap cup in caēa, ocur in uap cora in  
caēa buōin.

C. 945. Ma ʔo bai bērcna eturpu, comaprougāb co ʔpūēaiḡib ʔo  
cen ʔpūēaiḡib, 17ir na ʔogla ʔo ʔunbāb ʔia cup in caēa  
ocur iap cup in caēa; ʔlainci na ʔogla ʔo ʔunēo in uap  
cora in caēa buōin, uap ʔcuipuro cat [caipre] ʔo ḡpēp,  
ocur noca ʔcuipenn bērcna.

17 ann ata in comaprougāb co ʔpūēaiḡib in inbair ʔo ʔunē  
in cēt pēp ʔogail, ocur ni tapḡaib ʔliḡēb, ocur ʔo ʔuḡnēo  
ʔogail ʔir ino; ocur a ʔlainci ʔon ʔir ʔeibinaē co ʔpian.

17 ann ata in comaprougāb cen ʔpūēaiḡib in inbair ʔo  
ʔunē ʔogail in cēt pēp, ocur tapḡaib ʔliḡēb, ocur ni ḡab  
uao, aē ʔogail ʔo ʔenam ʔir ʔap a cen; a comaprougāb  
cen ʔpūēaiḡib ʔin.

C. 945. 17 ant ata in comlecaē a ʔa niḡliḡēb aiḡib in aiḡib  
in tan na ʔoibe bērcna eturpu ʔia cup in caēa; no cé ʔo  
bi, ʔo cuipret ʔib he in uap cora in caēa. [Uap] ʔcuipuro  
caē caipre, ocur noco ʔcuipenn bērcna. Caē ʔo muin  
C. 945. bērcna [ʔin], ocur ʔama ʔo muin neimbērcna ʔo bo ʔlan.

<sup>1</sup> It was violated. For Turbro. This is the reading of the MS., and in some parts of H. 8.18. Dr. O'Donovan in his transcript added a final ʔ, as the word is so written in the MS. a few lines further on.

<sup>2</sup> Adjusted without reprisal, i.e. there is no restitution necessary in this case, the

to kill, is when there was not a 'bescna'-contract between him and the opposite party;<sup>a</sup> or when, though there was, it was violated<sup>1</sup> by the opposite party.<sup>a</sup>

The case in which to kill one's own foeman, is the same as to kill one whom it is unlawful to kill,<sup>b</sup> in the person of one whom it is unlawful to kill,<sup>b</sup> is when there was a 'bescna'-contract between them, and it was his own party<sup>c</sup> that violated it.

<sup>a</sup>Ir. *The people outside.*  
<sup>b</sup>Ir. *Innocent.*  
<sup>c</sup>Ir. *The people within.*

If there was not a 'bescna'-contract between them, there shall be exemption *on account* of such trespasses as they may commit before giving battle, and after giving battle, and during the battle itself.

If there was a 'bescna'-compact between them, there shall be an adjustment, with reprisal or without reprisal, between the trespasses which were committed before giving battle and after giving battle; *and there shall be exemption on account* of the trespasses committed during the battle itself, for battle always dissolves 'cairde'-regulations, and does not dissolve 'bescna'-contracts.

The case in which adjustment with reprisal is made is when one man commits trespass, and does not offer to submit to law, and trespass was committed against him in the case; and the latter is exempt as far as one-third of compensation.

The case in which adjustment without reprisal is made is when one man commits trespass on another, and offers to submit to law, and he (*the other party*) did not accept the offer, but committed trespass against him in return; this is to be adjusted without reprisal.<sup>2</sup>

The case in which two illegalities counterbalance each other is when there had not been a 'bescna'-contract between them (*the two parties*) before giving battle; or though there had been, they laid it aside at the time they gave battle. For battle *always* dissolves 'cairde'-regulations, but does not dissolve 'bescna'-contracts. This was a battle after a 'bescna'-contract, and if it had been subsequent to a state of non-'bescna'-contract (*i.e. enmity*) there would be exemption.

aggression and offer to submit to law on the one side being considered as balanced by the refusal of the offer of law and the trespass committed in return on the other.

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ACHILLES.  
C. 944 and  
945.

[Տիկն Եօ ա թեր նեմբերեա Եօ ջրեր Եօ մարԅար, ոո Եօ Եի  
թե յուլիցեօ, օԵսր յար յաճճառն թե յուլիցեօ, Եօ թօիԅ Եերեա ա-  
Եարիս, ոո Եօ Եեոօ Եեճմարօ աթ ա հաճիԼե.

Լեճ թիաճ յի իո Լսճ թօ մարԅար իոա թիճ առիւճ, Եօ  
Եօեմաճճառն ա թարԵայճի; օԵսր մաոա թիւԼ Եօեմաճճառն ա թար-  
Եայճի, յիԼան սիԼե.

Տիկն Եօ իո թեր թօ Եա իոա սօալճ Եօ մարԅար Եիթ, օԵսր  
յիԼան Եօ ա մարԅար ճիս; օԵսր յիԼան Եօ ջիօ ջիաԼԼալիցեճ,  
Եիօ Եալթե, Եիօ ԵիոիԵեճ Եօ Եերա թար.

Մարօ թօ Եերալթճ ա թեր Եօեմաճճա ԵօԵսիո, օԵսր յի թօթիօ  
թօ մեԵարօ, օԵսր ԵիոճԵ Եօ մարԅիԵիթ իո Լսճ սիԼե, յի Եօթթ-  
Եիթ ԵօմԼան Եար ա սիթթե.

Մարթա ԵիոճԵԵաԵիթ Եօ ոա մարԅիԵիթ, յի Լեճ Եօթթիթթե.  
Մարա ԵիոճԵ Եօ ոա մարԅիԵիթ, ոօճօ ոթիւ ոաճ ոի.

Սիոնե թիւ Լեթ թիթ իո Եարմ ոօ իո Եեճաճ ա հաճճառն իո  
թիթ Եիոալօ, յիԼան, սար յի առիւԼ սիո; իո ԵալԼե Ե ոարաօ,  
սար յի առիւԼ սիո Ե ոիոաօ սիթԼԵաճ.

ՏեօիԵ ա թիաԼԼալճ Եօեմաճճա ԵօԵսիո, օԵսր օթթօթօմ թօ  
մեԵարօ, օԵսր ԵիոճԵ ԵօմԵրԵար իո Լսճ սիԼե, օԵսր ա ոսիԼի  
սիԼե. Մարա ԵիոճԵԵաԵիթ յի ա Լեճ սիԼի; մարա ԵիոճԵ Եօ  
ոա ԵերԵար, [ոօճօ ոսիւ ոաճ ոի], յիթօիԵ իմԼսարօ, օԵսր ոօԵօ  
Եիթ Եար ԵիոճԵ ԵօԵալճ ոա ԵիԵիԵ.

Տիկն յիան ալճիոե ոաօսարթե, աթ Եիւ իո Եաճա, օԵսր  
ԵիոճԵ ԵօմԼ[թ]Եալթ իո Լսճ սիԼե; մարա ԵիոճԵԵաԵիթ  
յիթիթ; մար ԵիոճԵ Եօ ոա ԵերԵար, իո Եալոմթիարիոճ ջեԵսր  
իո Լա թիո ոոո Ելօճ Եօո Լօ թիո յիո Եիսալօ, ԵօթաԵ Ե իո

<sup>1</sup> *The lording share of the territory.*—This seems to imply that the territory wherein a battle was fought was entitled to levy or claim a share of the goods left behind on the battle-field, in certain circumstances.



There is always exemption for him (*the combatant*) in killing the man with whom he has not a 'besena'-contract, until he submits to law, and after his submitting to law, until a 'besena'-contract is *made* between them, or for ten days after.

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—

*There is* half fine for the people killed in the character of those outside, if they could have been taken *prisoners*; but if they could not have been taken *prisoners*, there is complete exemption.

He (*the combatant*) is exempt from liability for the killing of a man who was opposed to him below (*on the battle-field*); and he is exempt for killing him above (*out of the battle-field*); and he is exempt whether he brings him into hostageship, or bondage, or imprisonment.

If he (*the combatant*) has saved his own fellow-combatant, and they (*his own party*) were defeated, and it was certain that the other party would have killed *him*, there is full body-price for him.

If it were doubtful that they would have killed *him*, there is half body-price for *him*. If it were certain that they would not have killed him, there is nothing for *him*.

A person who brought the weapons or the clothes of another down (*to the battle-field*), with the owner's knowledge, is exempt, for it is as a loan; when he is forbidden, *he is not exempt*, for it is as a loan in a dangerous place.

A man is entitled to take from the battle-field the 'seds' of his own fellow-combatants, when they were defeated, and it was certain the enemy<sup>a</sup> would have taken *them*. If it were doubtful he is entitled to half; if it be certain that they would not have taken *them*, he is entitled to nothing, they are articles of carriage, and do not go beyond the levying share of the territory.<sup>1</sup>

<sup>a</sup>Ir. The  
other  
people.

*There is* one-third of its value due to a man for taking charge of property for one hour, at the rere of the army, when it is certain the other party (*the enemy*) would have taken it; if it be doubtful, it (*the payment he is entitled to*) is one-sixth; if it be certain they would not have taken it, the proportion which that day or the part of that day bears

— Ընդհանուր առմամբ, քանի որ ինքնաշարժը չի կարողանում ինքնուրույն շարժվել, այն պահանջում է արտաքին շարժիչ ուժի ազդեցություն։

Ընդ քաղաքս մարտն ինտիցե ըստ ին աշխն ըստ ցառիլ ոմ  
 ըստ քաղաքս ? Իր քաղաքս, ըստ քաղաքս Լեյր քաղաքս ին  
 ինտիլ հի : քաղաքս ին աշխն աշխուր ըստ ըստ ին քաղաքս,  
 օ ըստ քաղաքս ըստ ինտիլ, աշխուր ըստ քաղաքս քաղաքս : ին աշխն  
 աշխուր ըստ ըստ ինտիլ, քաղաքս քաղաքս քաղաքս ըստ քաղաքս  
 հի, ուստ քաղաքս աշխուր ըստ քաղաքս քաղաքս.

**.1. Տեղն ամբարձրողն ու քրտնաբերողն առն.**

Մաճաւոտ բօբօրտ ու ժիւրէ, ր աւիցոն ուսսէ բօնոմ,  
օսր Լէ՛ օրս Լա աւիցոն րոն բօնոմ շառալի, Լա օրս  
ր ու ժրբ բօնոմ, օսր, Լա՛ցի՛ ալ բօր ոսրաւ, րօ.

[illegible]

<sup>1</sup> *The old rule transcends the new knowledge.*—A quotation from some old law-tract. In C. 1868, there occurs a fragment beginning with "ταυτο αιολιον ποταμιον," which is thus glossed, "the 'ail,' that is the rock of the 'Senchus Mor' transcends the new knowledge, the false commentaries."

to a year, is the proportion of a tenth of the 'seds' that is to be *paid him* for the charge of *them* for one hour.

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What is the reason that there is one-third *payable* for this charge and that there is but one-tenth for the other charges? The reason is, because of its dangerous nature.

What is the reason that as it (*the charge*) was dangerous, it (*the property*) is not all forfeited *to the keeper*? The reason is, to punish him for his illegality in having taken a charge while at the rere of the army.

What is the reason that when it is unlawful for him to take the charge he gets anything? The reason is this, he brought it (*the property*) from a place of insecurity to one of security; and when a person has brought a charge intrusted to him in a place of insecurity to one of security, he is entitled to one-third for guarding it; when a person has brought a charge intrusted to him in a place of security, from that place of security to a place of insecurity, he is entitled to only one-tenth for guarding it.

The exemption *in case of injury by a flail in a kiln.*

That is, there is exemption for that which the flail breaks in the kiln.

If a person comes under it, there is compensation for *injury* to fellow-labourers if *they are face to face*; if side by side, it (*the fine*) is one-third of compensation.

If it is off its head the flail flew, there is compensation for the first slipping, and half 'dire'-fine with compensation for the second slipping, *and* full 'dire'-fine *with compensation* for the third slipping; and this is a case of "the old rule transcends the new knowledge."<sup>1</sup>

*There is* exemption for what *injury soever* the flail does to every sensible adult who has his sight, and *there is* compensation *due* for *injury* to animals and non-sensible persons, and to such as are asleep, and to every one who has not sight; and "the old rule transcends the new knowledge" is the rule<sup>a</sup> here.

<sup>a</sup> Ir. word.

That is, the person who wields the flail in the kiln is exempt, provided he does not cross-strike *the person threshing* face to face *opposite him*, and provided each of them does

THE BOOK ԿԱՅՐՈՅԵՐ ԸԱԾ ՆՈՒ ԱՃԻԾ ՔԵ ԱՃԻԾ ԻՆ ՔՐԻ ԱՆԼԵ, ՍԱՐՔ ՄԱՐ ՅՈՒ  
OF  
ԱՅՈՒԼԼԱ. on, noco plan.

ՏԼԱՆՈՒ ԵՐՔԱՅՑ օՍՐ ԵՏԱՐԽԱՅՑ ՎՈ ՇԵՐ ՔՇԵՈՒՄՆ ՈՒ ՔԱՅՐՈՅԵ, ՇԵՆ ՔՐԻ ԵՏԱԼԼԱՅՐ; ԵՐԱՆ ՈՒՄԻՇՆԱԳՆԱ Ի ՈՒՅՐ ԿՈՄՇՆՈՒՄՔԱՅՑ, ԻՆ ԸԱԾ ԵՐԽԱԾ, ԸԱ ՈՒ ԿՈՆՆԱԾ ՇԵՆ ԿՈ ՔԱԿԱՅՑ, օՍՐ ԻՆ ԸԱԾ ՔՈՒ ՈՒ ՔԱԿԱՅ; օՍՐ ՄԱՐ ԿՈՆՆԱԾ ՈՒ ՔԱՅՐ, ԻՐ ԱՄԻՇՆԱ.

ՄԱՐ Ե ԻՆ ՔՇԵՈՒՄՆ ԵՆԱՅՐԻ ՎՈ ՇՆԼ օՍՐ ՎՈ ՇԱՅՐ, ՈՒ ԻՆ ՇԵՐ ՔՇԵՈՒՄՆ ՎՈ ԼԵՇ ՎԱ ԱՃԱՅՑ, ԻՐ ԱՄԱՆ ԻՆՎԵՐՇՆԱԾ ԵՐԽԱ ԻՆ ԼԵՇ ԱՄԻՇՆԱ Ի ՈՒՅՐԱԾ օՍՐ Ի ՈՒՅՐԱԾ; ԱՄԻՇՆԱ Ա ԵՐԽԱԾ ՇԵ ՎՈ ԿՈՆՆԱԾ ՇԵՆ ԿՈ ՔԱԿԱՅ; ԼԵՇ ՎՐԵ ԼԱ ԱՄԻՇՆԱ Ա ՔԱՅՐ ԿՈ ՈՒՅՐԻՆ ՈՒ ՔՈՒ, օՍՐ ՄԱՆԱ ԱԿԱՅ, ԻՐ ԱՄԻՇՆԱ.

ՄԱՐ Ե ԻՆ ԵՐՔՇԵՈՒՄՆ ՎՈ ՇՆԼ օՍՐ ՎՈ ՇԱՅՐ, ՈՒ ԻՆ ՎԱՐԱ ՔՇԵՈՒՄՆ ՎՈ ԼԵՇ ՎԱ ԱՃԱՅՑ, ՇԵՐԱՄԱՆԵ ՎՐԵ ԼԱ ԱՄԻՇՆԱ Ի ՈՒՅՐԱԾ օՍՐ Ի ՈՒՅՐԱԾ, ԸԱ ՈՒՅՐ ԿՈՆՆԱԾ ԸՆ ԿՈ ՔԱԿԱՅ; ԼԱՆ ՎՐԵ ԼԱ ԱՄԻՇՆԱ Ա ՔԱՅՐ ԿՈ ՈՒՅՐԻՆ ՈՒ ՔՈՒ, օՍՐ ՄԱՆԱ ԱԿԱՅ, ԻՐ ԼԵՇ ՎՐԵ ԼԱ ԱՄԻՇՆԱ.

ՄԱՐ Ե ԻՆ ՇԵՐԱՄԱՆԵ ՔՇԵՈՒՄՆ ՎՈ ՇՆԼ օՍՐ ՎՈ ՇԱՅՐ, ՈՒ ԵՐՔՇԵՈՒՄՆ ՎՈ ԼԵՇ ՎՈ ԱՃԻՇ, ԼԵՇ ՎՐԵ ԼԱ ԱՄԻՇՆԱ Ի ՈՒՅՐԱԾ օՍՐ Ի ՈՒՅՐԱԾ, ԼԱՆ ՎՐԵ ԼԱ ԱՄԻՇՆԱ Ա ԵՐԽԱԾ, ՔՈ ՔԱԾԵ ԼԱՆ ՇԵՆԱ Ա ՔԱՅՐ.

ԻՐ ԵՐՔԱՄԱ ԻՐԻՆ ԵՐԽԱԾ ՎՈ ՇՆԼ օՍՐ ՎՈ ՇԱՅՐ, օՍՐ ԻՐԻՆ ՔՇԵՐ ԿՈՄՇՆՈՒՄԱ ՎՈ ՇՆԼ օՍՐ ՎՈ ՇԱՅՐ. ԻՐ ԵՐՔԱՄԱ ԻՐԻՆ ՔՇԵՐ ԿՈՄՇՆՈՒՄԱ ՎԱ ԱՃԻՇ օՍՐ ԻՐԻՆ ԵՐԽԱԾ ՎԱ ԱՃԻՇ.

ԻՆ ԵՐՔԱԾ ԻՐԼԱՆ ՎՈ ՇՆԼ օՍՐ ՎՈ ՇԱՅՐ, ԱՐԱ ԼԵՇ ԱՄԻՇՆԱ ԱՆՆ ՔՈՐ Ա ԱՃԻՇ. ԻՆ ԵՐՔԱԾ Ա ՔԱՆԼ ԼԵՇ ԱՄԻՇՆԱ ՎՈ ՇՆԼ օՍՐ ՎՈ ՇԱՅՐ, ԱՐԱ ԱՄԻՇՆԱ ԿՈՄԼԱՆ ԱՆՈ ՔՈՐ Ա ԱՃԻՇ.



not unlawfully cross-strike the other man face to face *opposite him*, for if it be so, *he is not exempt*.

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There is exemption for *injury to* idlers and unprofitable workers in the first slipping of the flail, without knowledge of defect; one-third of compensation for *injury to* fellow-labourers and all profitable workers, whether he (*the thresher*) saw them or not, and for every animal which he did not see; and if he saw the animals, there is compensation for *injury to them*.

Should it be the second slipping of the flail backwards and sideways, or the first slipping aside forward, it is like a case of unnecessary profit as regards half compensation for *injury to* idlers and unprofitable workers; compensation is the fine for *injury to* profitable workers whether he (*the thresher*) saw or did not see them: half 'dire'-fine with compensation for *injury to* animals, if he saw the animals, and if he did not see them, it (*the fine*) is compensation.

Should it be the third slipping backwards and sideways, or the second slipping aside forward, there is one-fourth dire'-fine with compensation for *injury to* idlers and unprofitable workers, whether he (*the thresher*) saw them or not; full 'dire'-fine with compensation for *injury to* animals, if he saw the animals, and if he did not see them, it (*the fine*) is half 'dire'-fine with compensation.

Should it be the fourth slipping backwards and sideways, or the third slipping aside forward, there is half 'dire'-fine with compensation for *injuring* idlers and unprofitable workers, full 'dire'-fine with compensation for *injuring* profitable workers, full 'dire'-fine is incurred for *injuring* animals also.

There is the same fine for *injuring* the profitable worker and the fellow-worker when the flail slipped backward and sideways. It is the same fine for *injuring* the fellow-worker and the profitable worker when the flail slipped forward.

There is exemption for *injuring* the idler when struck backwards and sideways, there is half compensation for *injuring* him when struck forward. The idler for whom there is paid half compensation when struck backwards and sideways, has full compensation when struck forward.

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ocyr noco naitreytar aeth aith nam a cethra.

bla cranu cutaim, aeth aithrya nam.

.1. Sian don ti benur in cranu va tuuim, .i. aeth co  
noethra aithrya naitreytar. Itho vlegur aithrya do co-  
naethra, aithrya naitreytar ocyr eccothra, aithrya aeth co-  
taethra, buithra ocyr vaith aithrya naitreytar, co naitreytar  
ocyr a naitreytar.

Ma do naitreytar vlegur aithrya ocyr o aithrya, naitreytar  
aithrya ocyr aithrya, ocyr aithrya o leithrya co naitreytar  
naitreytar.

Muna naitreytar vlegur aithrya na aithrya, naitreytar  
naitreytar aithrya in leithrya i naitreytar ocyr i naitreytar-  
bach; aithrya aithrya, leithrya laithrya aithrya co  
naitreytar na naitreytar, ocyr naitreytar aithrya, naitreytar  
aithrya naitreytar. Ocyr naitreytar in naitreytar naitreytar  
naitreytar naitreytar aithrya na naitreytar; naitreytar vlegur  
do naitreytar aithrya co naitreytar aithrya, ocyr naitreytar  
vlegur aithrya naitreytar in naitreytar naitreytar, naitreytar  
naitreytar aithrya na naitreytar aithrya naitreytar naitreytar  
naitreytar aithrya na naitreytar aithrya naitreytar.

Ma po batary aithrya ac aithrya in naitreytar, aithrya na po  
naitreytar in naitreytar po naitreytar, aithrya in naitreytar; naitreytar  
naitreytar aithrya o naitreytar.

<sup>1</sup> The 'Berla'-law that is the old law of the Feini, or as it is often called, the  
'Feinechas.'

Back striking and side striking are taken into consideration in the kiln, but front *striking* only is taken into consideration in the forge.

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The exemption from liability of the man who fells a tree for injury done by it in its fall, but so as warning is given before.

That is, the person who fells the tree is exempt from liability for injury done by its fall, i.e. but so as he first gave warning of it (*the felling*). It is required by law to warn sensible adults, to turn away animals and non-sensible persons, to arouse such as sleep, and to remove deaf and blind persons, if their deafness or blindness is known.

If he has observed the law of *thus* removing and warning, he is exempt from fine for injury to idlers and unprofitable workers, and, in the case of others, it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

If the law as to<sup>a</sup> warning and removing has not been observed, it is like a case of unnecessary profit as regards half compensation due for injuring idlers and unprofitable workers: compensation is due to profitable workers if injured, half 'dire'-fine with compensation is due for injuring animals if the animals were seen, and one-third for injury to the animals if he did not see them, and compensation is the fine for injury to profitable workers. And this is the second instance in the 'Berla'-law<sup>1</sup> where there is a greater fine for injury to profitable workers than for injury to animals; for he (*the feller*) is bound to give notice to sensible adults, though he may not have seen them, and he is not bound to remove the animal which he has not seen, for the law does not require him to search<sup>2</sup> ditches and brakes for the animal which he did not see.

If they (*two men*) were felling the tree together, and if it be known which of them did the injury, let him who did the injury pay one-third of compensation; should he not be known, let one-sixth of compensation be paid by each of them.

<sup>2</sup> To search.—For "Θιγαται" of the MS. Dr. O'Donovan's conjectural reading is "σο τρησο." The meaning is however the same, whichever reading be correct.

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Μα έαιρνιc λειρ ιν ταρα περ α έυιc τον έρυνηc το έεργαδ,  
ocur ní ταιρνιc λειρ ιν περ αιλε, ρλαν τον περ λειρι ταιρνιc,  
ocur ιcαc ιν περ λειρ να ταιρνιc ιν τριαν α cενυρ.

Οιc μεινιc τιραc να ρυιb no να eccοcηαιξ, ιρεαδ ολεγαρ  
τε α νυρροcρα υατα cαδ νυαιρε. Μα το ρι[ε]ne ιν cεc  
υρρεαρεαδ, ocur ρο bai ινα αιcιcιη ρε ρυρι ταιρρεc τε ιν  
τυρρεαρεαc το cεnam, ocur ηι cερηα, ιρ ιηαηη τε ocur  
να cερηαc ιν cεc υρρεαρεαδ, ιη α beε amuil ιηcειcβιρε  
τορba.

Ιρεc ολεγαρ υρροcρα ιν cραιηc ιν cειη ρο ρια ζυε ριρ  
ιη cερεcηα, ocur υρρεαρεαδ ιη comac ρο ρια α βαρρ.

Ιρ ρυ ζαβυρ ζρειη υρροcρα ocur υρρεαρεαc, cαιηe ρο  
batyp ap αιρc ιη υαιρ ζαβαλα ιη ζηομραιδ, ocur ρο ρεταρ  
cumac το buai ιη cραιηc τε buan. Ιρ ρυ ατα naε ζαβαηc  
ζρειη υρροcρα να υρρεαρεαc, cαιηe να ρα batyp ap αιρc  
ιη υαιρ ζα[ba]la ιη ζηομραιc, ocur noco ηεταρ comac το  
buan ιη cραιηc τε bun.

Οια ριρεη ραιρρι.

.1. Σλαν α ηcειηαιηc ιη ερλιρην ρρι cαδ cεcηαδ το έι; ocur  
αιηεζιη α ρυbi, ocur α ηeccοcηαδη, ocur ι ηαερ cοταλτα,  
ocur ιη cαδ αηη να ραιcηηη; ocur, λαιγιδ αιλ ρορ ηαεραιb, ιη  
ρocal ρο, .i. ρλαν τον τι ηεηαρ ιη ερλιρεη ap cαιεζιη εραιρρι.

Αcηc ηιb ερε ηελζηαιρ.

.1. Αcηc ηαηαb ρεol ζηουρ no ζηομαιεερ ρυιcιβ, amuil το  
ηιε ζοβαν ραερ, ηο ηυγιη ζοβαιη cφαιρ; ιη cυιηe ba haiλ  
leo cαμαρ ιρην cιξ τον ερλιρην ιρ e ρο αιμριcιρ. Υαιρ μαc  
εc οη, noco ρλαν.

Σλαιηcι ερβαιε ocur εταρβαιε το cεc ρcειηη να ριρεη;

<sup>1</sup> Goban Saer. —A celebrated carpenter who lived in the sixth century. There are many legends connected with him still current in Ireland.



If it happened to one man *of them* to finish the cutting of his part of the tree, and it did not happen to the other man, the man to whom it happened is exempt *in case of an accident*, and the other man who did not happen to finish pays the one-third of compensation himself.

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However often the animals or non-sensible persons come, he (*the wood-cutter*) is bound to warn them away from him each time. If he turned them away the first time, yet if he were aware of *their having returned*, in sufficient time to have *again* turned them away, but did not *do so*, it is the same to him as if he had not turned *them* away at first, so that it is like a *case of unnecessary profit*.

The man felling the tree is bound by law to give warning of it (*the felling*) as far as his voice could reach, and *cause removal of beasts, &c.* as far as its (*the tree's*) top would extend.

Warning and removal take effect as regards persons who were present when the work was undertaken, and such as knew that the tree was to have been cut down. They regarding whom warning and removal take no effect, are persons who were not present when the work was taken *in hand*, and who did not know that the tree was to have been cut down.

The exemption *in case of a chip in carpentry*.

That is, there is exemption *from fine* for *injuries* which the chip inflicts on every sensible adult who has his sight;<sup>a</sup> and *there is compensation for injury to animals, and non-sensible persons, and persons who may be asleep, and all who have not their sight; and "the old rule transcends the new knowledge" is the rule<sup>b</sup> in this case, i.e., the man who knocks off the chip for the purposes of carpentry is exempt from liability.*

<sup>a</sup> Ir. Sacc.

<sup>b</sup> Ir. Word.

But so as it (*the injury*) is not *done* through malice.

That is, so as he does not guide them *in a certain direction*, as the Goban Saer,<sup>1</sup> or the daughter of the Goban Saer used to do; *for they used to hit with the chip the person whom they wished to aim at in the house.* For if this be the case, he (*the person doing so*) is not exempt.

*There is exemption for injury to idlers and unprofitable workers, for the first slipping of the chip; there is one-third*

THE BOOK **ḡṛṇan naitḡina** 1 **naeṛ comḡnomṛait**, in each **torbač**, ocur  
OF in each **roḡ**, cen **ṛṛ** cen **aitṛin**.  
ANCHIL.

Maṛa **aitṛin** co **ṛaitlečtu ṛiačtu** co **coemačtu imḡabala**,  
leč **aitḡin** 1 **neṛbach** ocur 1 **netarbach**, **aitḡin** a **torbač**  
ocur a **ṛubu**; ocur **noco** tēit in **bla** **ṛein** **ṛar** **aitḡin** **ar** a  
**nemačbeile**.

**ḡla** **nuiṛleč** **nur**, ač **ḡro** o **liaṛ**, no **aitṛbe** **aitṛiaṛṛar**  
a **laeḡ**.

**ḡla** **nuiṛleč** **nur**, .i. **ṛlan** **ṛo** **nuiṛis** in **aitṛ** **ailḡṛar** a **nur** **ina**  
**ṛin** **no** **na** **inṛib**. Ač **ḡro** o **liaṛ**, no **aitṛbe** **aitṛiaṛṛar** a **laeḡ**,  
.i. ač **ḡro** o **liaṛ** **ṛall**, no **aitṛbe** **amač**, **aitḡar** a **laeḡ**.

**ḡeṛmṛeč** **ṛin** **ar** **na** **huilṛ** **ina** **ina** **ṛlan** **ṛṛ** **araiḡ**  
**arach** **ṛo** **ṛenam**:—cṛ **be** **ina** **uile** 1 **nṛeṛna** **ṛeṛ** **araiḡ**  
**arach**, o **ḡur** **ar** **ṛaiḡin** **mačḡur** **ṛe** **ṛeṛ** **mbunait** **ṛo** **ṛena**  
**ṛeṛ** **araiḡ** **arach**, **ṛlan** **ṛo**; 'ocur **leč** **ṛiač** **ṛo** **ḡiḡḡinče** **ṛor**  
**ḡoin**, ocur **meṛač** a **nuiṛlečait** **ṛo** **ṛeṛ** in **leč** **ail** **ṛi**.

**Maṛab** **ar** **ṛaiḡin** **mačḡur** **ṛe** **ṛeṛ** **mbunait** **ṛo** **ṛiḡne**  
**ṛeṛ** **araiḡ** a **arach**, **ṛiač** **ṛo** **aitṛeč** a **ṛač** **ṛor** **ṛeṛ** **araiḡ**;  
ocur **leč** **ṛiač** **ṛo** **ḡiḡḡinče** **ṛor** **ḡoin**, ocur **meṛač** a **nuiṛle-**  
**čait** **ṛo** **ṛeṛ** in **leč** **ail** **ṛi**.

**ḡlan** **ṛi** in **ṛeṛbach** a **laṛḡin** **ce** **beč** **ṛṛiṛaiḡiḡ** **cen** **co**  
**be**, ocur in **ṛeṛbač** **co** **ṛṛiṛaiḡiḡ**, **ṛor** **ar** **inṛaiḡ** **amač**;  
**ceḡṛuime** **uaiti** **ṛin** **ṛṛach** **cen** **ṛṛiṛaiḡiḡ**, no **ṛin** **torḡac**  
**co** **ṛṛiṛaiḡiḡ**, **ṛi** **ṛall** **ṛi** **amuič**; **leč** **ṛiač** **uaiti** **ṛin**  
**torḡac** **cen** **ṛṛiṛaiḡiḡ**, **ṛi** **ṛall** **ṛi** **amuič**. In **cein** **ḡeṛ**  
**meṛač** a **nuiṛlečait** **uiri** **ṛin**; ocur o **ṛačar** **ṛi**, **leč** **ṛiač**  
**uaiti** **ṛin** **ṛṛach**, ocur **lan** **ṛiač** **ṛin** **torḡač**, **cé** **ḡeṛ** **cen**  
**co** **be**.

of compensation *for injury* to fellow-labourers, to every profitable worker, and to all animals, if not known *to be present*, or not seen.

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OF  
AICILL.

If they were seen, and if its (*the chip's*) reaching them may have been expected and could have been avoided, *there is* half compensation for *injury* to idlers and unprofitable workers, compensation *for injury* to profitable workers and animals; and the exemption itself does not go beyond compensation on account of its non-dangerousness.

The exemption *in case* of a milch cow during her first milk, provided it be in a house, or in a pen her calf is tied.

The exemption *in case* of a milch cow during her first milk. i.e. the milch cow is exempt while her first milk remains in her teats or in her udder. Provided it be in a house, or in a pen her calf is tied, i.e. provided it be in a house within, or in a pen outside, that her calf is tied.

These are instances of all the cases in which the man who ties is exempt in his tying:—in whatever place the man who ties *the cow* performs the tying, if it be with a view to the owner's good he did the tying, he is exempt; and there is half fine upon the cow for her viciousness, and the encitement of her first milk takes the other half off her.

Should it not be with a view to the owner's good the man who ties *the cow* did the tying, a fine according to the nature of the case *is to be paid* by the tyer; and *there is* half fine upon the cow for her viciousness, and the encitement of her first milk takes the other half off her.

While in her own place she is exempt *from liability* for *injury* to the idler whether she were provoked or not, and for *injury* to the idler who provoked her, upon whom she charges out; one-fourth *fine is* upon her for *injury* to the idler who did not provoke<sup>a</sup> her, or for *injury* to the profitable worker who did provoke her, whether inside or outside; half fine *is* upon her for the profitable worker who did not provoke her, whether inside or outside. This *is the case* while the encitement of her first milk is upon her; and when it goes off her, there is half fine upon her for *injuring* the idler, and full fine for *injuring* the profitable worker, whether she were *provoked* or not.

<sup>a</sup>Ir. Without provocation.

THE BOOK OF AICILL. — Μα πο bi in buachailL ac feilleb in laeta vol don laes, cethruime ocuρ eneclann uao; maρa uaine naē buachailL, iρ pīach feillib, .i. cethramthu; ocuρ iρ ann rin ata aith-  
gin o fellach co tarraētain pīr laime.

Maρ ap in uch tallab in laet, iρ cethramta ocuρ ene-  
clann; maρ ap in lertuρ, iρ diabla ocuρ eneclann.

Cio pōera cona mo ina gait ap in uē ina ap in lertuρ,  
ocuρ cona mo iρ neρum he iρ in lertuρ? Iρ e paē pōera,  
biēbīnēi ocuρ aicbeile leir in nuēoap a gait ap in nuē ina  
ap in lertuρ, mo biρ i coimitecht feoit cethramta he  
iρ in nuch na iρ in lertuρ.

Ma po bi in buachailL ac feilleo gait na bo to breith  
don gataib, cethramtha uao ocuρ eneclann. Maρa  
uaine naē buachailL, iρ pīaē feillib nama uao; aithgin o  
uppaē ina failL imcoimeta im boin, a tpi cuicis a thepait,  
ta cuicis a mupcaipē, cuicis a daep. Aithgin o uppaē  
ina failL imcoimeta im ech, teopa cēthramtha o thepait,  
leē ocuρ pēctmao o mupcaipē, leē o daep. Ocuρ don daep  
budein po haitiuo na feoit ano rin, i necmair a tigeina,  
ocuρ samao a pīaonaipe a tigeina, po bas inano ocuρ po  
aitinēa don tigeina budein

Aithgin ó uppaē ina failL imcometa im uaine, ocuρ  
cethruime pēctmaē ó thepait, ta pectmāib ocuρ in ceth-  
ramaē rann dec o mupcaipē, pēctmao o daep.

Dia tapb ocuρ pēithe darimna.



If the herdsman was looking on at the drinking of the milk by the calf, one-fourth of compensation and honor-price *are to be paid* by him; if he (*the looker-on*) be a person not the herdsman, it is a fine for looking on that *is due*, i.e. one-fourth of compensation; and this is a case in which compensation is *required* from the looker-on until the person actually in fault<sup>a</sup> is found.

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—

<sup>a</sup> Ir. Man  
of the hand.

If it be from the udder the milk was taken, it (*the fine*) is one-fourth of compensation and honor-price: if out of the vessel, it is double compensation and honor-price.

What is the reason that there is a greater *fine* for stealing it from the udder than out of the vessel, when it is a greater necessary convenience in the vessel? The reason is, the author of the law deemed it more wicked and a greater crime to steal it from the udder than out of the vessel, *because* it is more valuable in the udder in connexion with an animal of quadruple restitution, than in the vessel.

If the herdsman was looking on at the stealing of the cow by the thief, one-fourth of compensation and honor-price *are due* from him. If the person *looking on* be not the herdsman, a fine for looking on only is *payable* by him; compensation *is due* from a native-freeman for neglecting to guard the cow, three-fifths of it *are due* from a stranger, two-fifths from a foreigner, one-fifth from a 'daer'-man. For neglecting to guard a horse, *there is due* from a native-freeman compensation, from a stranger three-fourths of it, from a foreigner one-half and one-seventh, from a 'daer'-man one-half. And in this case it was to the 'daer'-man himself the 'seds' had been given in charge, in his master's absence, but if it had been in his master's presence, it (*the case*) would have been the same as if they (*the 'seds'*) had been given in charge to the master himself.

For neglecting to guard a person, *there is due* from a native-freeman compensation, from a stranger four-sevenths of it, from a foreigner two-sevenths and one-fourteenth part, and from a 'daer'-man one-seventh.

The exemption of bulls and rams in bulling and ramming.

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OF  
ABRAHAM  
—

.1. րևան Ծօ յա Երեւան օգր Ծօ յա րեւան ին րեւ րեւան  
Եւ ա Ծօ յա յա ման. Տևան Ծօ յա յա Երեւան ա Լան րեւան,  
Եւ եւ րեւան Ծօ յա Երեւան Ծօ րեւան Ծօ  
րեւան րեւան Ծօ ալ; Եւ րեւան Ծօ յա Երեւան  
Ծօ րեւան Ծօ [րեւան րեւան Ծօ ալ], յա յա Երեւան  
Ծօ րեւան Ծօ, Եւ Ծօ ալ Ծօ ալ; Լեւ րեւան Ծօ յա  
Երեւան Ծօ րեւան Ծօ, Եւ եւ րեւան Ծօ յա Երեւան,  
օգր օ րեւան Ծօ, Եւ Լեւ րեւան յա Երեւան, օգր Լան րեւան  
Ծօ Երեւան.

Տևան Ծօ յա Երեւան Ծօ ալ Եւ Եւ Եւ Ծօ Լեւ ա Երեւան  
Ծօ յա Երեւան Ծօ, Եւ Եւ Ծօ յա Երեւան Ծօ Երեւան, Ծօ յա  
Երեւան, օգր Ծօ յա Երեւան Ծօ Երեւան, Ծօ յա  
Երեւան, Եւ Լեւ րեւան օ Ծօ յա Եւ Եւ Ծօ յա Երեւան, օգր  
Ծօ յա Երեւան, Եւ Լեւ րեւան օ Ծօ յա Երեւան, օգր Եւ Եւ Եւ  
Ծօ յա Երեւան Լեւ Եւ.

Տևան Ծօ Ծօ ալ Ծօ յա օգր Ծօ յա Երեւան Ծօ յա Երեւան  
Ծօ Երեւան, օգր Ծօ ալ Ծօ յա Երեւան Ծօ Երեւան, Ծօ յա  
Երեւան, օգր Ծօ յա Երեւան Ծօ, Եւ Երեւան Ծօ Երեւան; օգր  
Ծօ Եւ Ծօ, Եւ Լեւ րեւան Ծօ Երեւան Ծօ, օգր Եւ Եւ Եւ  
Ծօ յա Երեւան Լեւ Եւ.

Երեւան Երեւան Ծօ յա Երեւան, Եւ Լան րեւան օ Ծօ  
Ծօ յա Երեւան, Ծօ յա Երեւան; օգր Ծօ յա Երեւան, Եւ Լեւ րեւան, օգր  
Ծօ յա Երեւան Ծօ Եւ Եւ Ծօ յա Երեւան Լեւ Եւ.

Երեւան Լեւ Երեւան Ծօ, րեւան յա ալ Ծօ յա Երեւան Ծօ  
Ծօ Երեւան, օգր Ծօ յա Ծօ Երեւան Ծօ, Եւ Լան րեւան; Ծօ յա  
Ծօ; օգր Ծօ յա Երեւան, Եւ Լեւ րեւան, օգր յա Երեւան Ծօ Եւ Եւ  
Ծօ յա Երեւան Լեւ Եւ.

<sup>1</sup> The bull.—For “Երեւան” the MS. here has “Երեւան,” which is the usual mode  
of writing the word lengthened out as “Երեւան.” profitable. The word in the  
text is however required by the context, and was accordingly substituted by Dr.  
O'Donovan in his revised transcript.

That is, the bulls and rams are exempt during the proper season wherein they bull the cattle. They are exempt for *injury* to the idler, while in their own proper place, whether they were provoked or not, and to the idler who provoked them, whom they charge out upon; there is one-fourth *fine due* by them for *injuring* the idler who did not provoke them, upon whom they charge out, or for *injuring* the profitable worker who did provoke them, whether within or without; half fine *is* upon them for *injuring* the profitable worker who did not provoke them, while the excitement of the bulling is upon them, and when it has gone off them, there is half fine for *injuring* the idler, and full fine for *injuring* the profitable worker.

The bull<sup>1</sup> is exempt for *injuring* any other animal that may come to interrupt his bulling or his grazing, except a bull of his own herd; for if it is he, there is one-half fine upon each of them for the other if it be not the bulling season,<sup>a</sup> and if it be the bulling season, it (*the fine*) is one-fourth.

<sup>a</sup>Ir. Without bulling.

He (*the bull*) is exempt for *injuring* any other animal of his own herd, whether it be the bulling season<sup>a</sup> or not, and every animal of another herd in the bulling season, which he has bulled, and which was brought to him, provided only it was not through wickedness *he did the injury*; but if it were, there is half fine for wickedness upon him, and the excitement of his bulling takes *the other* half off him.

Should there be a mutual attack by strange bulls, there is full fine from each of them (*the bulls*) for the other, if it be not the bulling season;<sup>a</sup> but if it be the bulling season, there is *only* half fine, and the bulling which he had with his herd<sup>b</sup> takes *the other* half *fine* off him (*each of them*).

<sup>b</sup> Ir. At home.  
<sup>c</sup> Ir. Should there be a half attack.

Should one bull make an attack<sup>c</sup> on another, there is exemption for killing the animal that made the attack, but should he kill *the other*, there is full fine for it; that is, if it be not the bulling season;<sup>a</sup> but if it be the bulling season, there is *but* half fine, and the bulling which he had with his herd<sup>d</sup> takes *the other* half off him.

<sup>d</sup> Ir. At home.

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Մարա cominotraiց ծա միլ commanէի cecintach, cen ծար,  
տիքուտեր caճ cethruime ւնա cet cinaծ; mart la caճ bpon-  
nar. Cen ծար բոն; ocur մա տա ծար, cobroslat martա,  
cobroslat conի, ocur բոնոտ ար ծո (ոն bi ocur ւո մարծ  
աւարս).

Մարա cominotraiցիծ միլ bic ocur մոլ մոյր, աճտ mart Ե  
ւո միլ bec բո մարծած անո, աւիցոն միլ bic տի ծար ւո  
մոլ մոյր, ocur mart ւո միլ bic ծար ւո մոլ մոյր. Cen  
ծար բոն; ocur մա տա ծար, leճ աւիցոն միլ bic ծար ւո մոլ  
մոյր տի, leճ mart ւո միլ bic տի ծար ւո մոլ մոյր.

Մար Ե ւո մոլ մոյր բո մարծած անո busein, beo ւո միլ  
bic ծար ւո մոլ մոյր; ocur ւո տառարաւոտ չաբս beo ւո  
միլ bic ա մեո ւո մոլ մոյր corab Ե ւո տառարաւոտ բոն  
ծո mart ւո մոլ մոյր ծեճ ծար ւո միլ bic. Cen ծար բոն;  
ocur մա տա ծար, leճ bi ւո միլ bic ծար ւո մոլ մոյր; ocur  
ւո տառարաւոտ չաբս leճ bi ւո միլ bic; leճ bi ւո մոլ մոյր,  
corab Ե ւո տառարաւոտ բոն ծո leճ mart ւո մոլ մոյր  
ծեճ ծար ւո մոլ bic.

Ա իւլ աւա շեճիւ սոնց ւ ումաոն տարծ տիւհարս ocur ա  
ճարս բոլլաւծ, բոճա նա նարալ բոն; ocur նոսա տիւ ւո բոճա  
արծ, ocur ծա տիւս, ւր ար [cuic] Լա ծո նա սարլիւ տար բոճա  
ocur բոճ, [ocur] ար տար Լա ծո նա հարլիւ, տար բոճա ocur բոճ;  
շեճիւ իւ ւո cet Լա ծո նա սարլիւ, ա բոճա, ocur բո caճ Լա  
ծո նո շեճիւ Լա աւե ա բոճ; ծա իւ ւո cet Լա ծո նա չարսաւծ

<sup>1</sup> *The living and the dead.*—The words in parentheses in the Irish appear to be an addition by a later hand.

<sup>2</sup> *Five days.*—The MS. E. 3, 5, reads here "cethru, four." O'D. 762, however, has the reading in the text.



If it be a mutual attack of two animals of equal goodness, not in the bulling season,<sup>a</sup> and it is their first trespass, one-fourth fine is taken off each for its *being his* first trespass; the carcass, if either be killed, goes to him whose beast<sup>b</sup> has killed the other. This is the case if it be not the bulling season;<sup>a</sup> but if it be the bulling season,<sup>c</sup> they (*the owners*) divide the carcass equally between them, they divide the loss, and they divide equally between them the living and the dead<sup>d</sup> animal.

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<sup>a</sup> Ir. Without bulling.  
<sup>b</sup> Ir. Who.

<sup>c</sup> Ir. If there be bulling.

Should it be a mutual attack of a small and a large animal, and the small animal is killed, the owner of the large animal pays the value of the small animal, and the carcass of the small animal goes to the owner of the large animal. This is the case if it be not the bulling season;<sup>a</sup> but if it be the bulling season,<sup>c</sup> the owner of the large animal pays half compensation for the small animal, and half the carcass of the small animal goes to the owner of the large animal.

Should it be the large animal itself that was killed, the small animal, or one like<sup>d</sup> it, shall be given to the owner of the large animal; and the proportion which the living small animal bore to the large animal living is the proportion of the carcass of the large animal that shall go to the owner of the small animal. This is the case if it be not the bulling season;<sup>a</sup> but if it be the bulling season,<sup>c</sup> half the value of the small animal living shall be given to the owner of the large animal; and the proportion which half the value of the small animal living bears to half the value of the large animal living, is the proportion of half the carcass of the large animal that shall go to the owner of the small animal.

<sup>d</sup> Ir. Living.

Where it is said there is a fine of four ounces and his restoration with interest, for driving a bull without permission, this is in the case of the property of the nobles; and he (*the author of the law*) did not mention the interest, and if he had, it would be at the rate of five days<sup>e</sup> to the nobles, both property and interest, and at the rate of three days to the lower grades, both property and interest; four cows the first day to the nobles for property, and a cow each day of the other four days for interest; two cows the first day to those of the chieftain grade for property, and a cow

THE BOOK OF AICILL. — **PLAṬA** α ποθα, βα caḥ lae don va laeib aile α pūḥ; bo in cēt la do na gpaṭaib pēine α ποθα, ocup paṁaiṛo caḥ lae don va laeib aile α pūḥ.

O uppaḥ aṭa pūn; ocup α leḥ o ṭeopaib, ocup α cēḥpuiṁe o mupḥaiṛḥ, ocup aīṭhḡn ḡnūmṛaib o ṭaep. Ocup inano ṛe iapṛa ṛeīḥenn ṭoib uile, iṭip uppaḥ ocup ṭeopaib ocup mupcuipḥe ocup ṭaep, co ṭeḥmaṭ; ocup pūilleḥ ṛip o ṭeḥmaib amaḥ, co ṛoib pīaḥ ḡaṭi ann. Ocup α can aṭa pūn, ocup nū uil pūḥ i nupṛaṭup.

Slan aen leim i naṭhaib ocup α muḡib can ṭimopḡuin; ocup ma ṭa ṭimopḡuin, ip pīach pūmṛime, caḥ cēḥpuiṁe laeḡ beṛ aīṭṛemaiḥ; cēḥpuiṁe ap pēipḥo pūn, no cēḥpuiṁe uipṛe pēin. Ocup caḥ uaiṛ ip cēḥpuiṁe ṭo pēip ṭliḡḥ, cēḥpuiṁe ap pēipḥo hī anṭaiṛe .i. leḥ ṭpūn bunaiṛo anṭaiḥi aīci; caḥ uaiṛe ip cēḥpuiṁe uipṛe boṭeīn, cēḥpuiṁe ap aḥṭuḡaṭ hī anṭipṭe, leḥ ṭpūn bunaiṛo, ocup cēḥpuiṁe ṭpūn ṭipḥ.

Ma ṛo aḥṭaiḡ biḥ ṛo cīṭaib α ṭaiṛb, ocup caḥ cēḥpuiṁe laeḡ beṛ aīṭṛemaiḥ, ip α biḥ ṭo; munaṛ aḥṭaiḡeḥ, ip α nembeīḥ. Munaṛ aḥṭaiḡ in ṭaṛa ṭe, ocup ṛo aḥṭaiḡ apaiḥe, caḥ nī ṛo aḥṭaiḡ ip α biḥ ṭo, ocup in mī naṛ aḥṭaiḡ ip α nembeīḥ.

Ḑla paeḃup coinḥiḡ.

.1. in pēṛ epṛana coīṭcīno ṭaiṛic [ip], maṛ e pēṛ na pīne aṭa ap aipṭo ṛo ṛoḡaiḥ ṛip, ip lan pīach; ocup maṛ e pēṛ na pīne na pūil ap aipṭo, ip leḥ pīach; mā ṛo pēṛ, ip ṭeopa cēḥpuiṁe uaiḥi, .i. leḥ pīach o pīṛ na pīne aṭa ap aipṭo anṭ, ocup cēḥpuiṁe [o pīṛ na pīne ná pūil ap aipṭo] ḡṛḥ. .1. pīan ṭo na pēṛaib bīṛ α comīpṭulaḡ α pēipḡi

<sup>1</sup> *If it be not known*.—For “ma ṛo” of the MS., meaning, “if it be,” Dr. O'Donovan conjectured “man ṛo, if it be not,” and translated accordingly, as the sense requires.

<sup>2</sup> *Between them*.—For “uaiḥi” of the MS., Dr. O'Donovan conjectured uaiḥa, and for “ocup” “.i.” as in the text.

<sup>3</sup> *From the man whose tribe is not present*.—The Irish for this was put in by Dr

each day of the other two days for interest; a cow the first day to those of the "feini" grades for property, and a 'samhaisc'-heifer each day of the other two days for interest.

This is *the fine* from a native-freeman; and from a stranger *there is* half of it, and from a foreigner the fourth of it, and from a 'daer'-person the restitution of the thing itself. And the time during which the interest runs is the same for them all—native-freeman, stranger, foreigner, and 'daer'-person, *i.e.*, to ten days; and from ten days out, it (*the interest*) shall be added to until it amounts to the fine for theft. And this is in 'cain'-law, but in 'urradhus'-law there is no interest.

In fords and in plains one leap is free to the owner of the cow, provided she (*the cow*) has not been brought<sup>a</sup> there; but if she has been brought, there is a fine for it according to the law of over-working, *i.e.* the owner of the bull gets every fourth calf that is sire-like; that is, a fourth in place of a sixth, or a fourth for itself. And whenever it is one-fourth according to law, it is then one-fourth in place of a sixth, *i.e.*, he shall then have one half-third of the original; whenever it is one-fourth for itself, it is then one-fourth by stipulation, one half-third for the original owner of the bull, and the one-fourth of one-third for the owner of the land.

If he (*the owner*) agreed to be accountable for the trespasses of his bull, and to take every fourth calf that shall be sire-like, he shall have them; if he did not agree to this, he shall not have them. If he did not agree to the one, but agreed to the other, he shall have everything he agreed to, and he shall not have what he did not agree to.

The exemption as to an edged weapon in a conflict.

That is, if it be a man whose tribe is present that injured an impartial person who interfered between them,<sup>b</sup> there is full fine for it; and if a man whose tribe is not present injures him, there is half fine for it; if it be not known<sup>c</sup> which of them did the injury, they pay three-fourths fine between them,<sup>2</sup> *i.e.*, half fine from the man whose tribe is present, and one-fourth fine from the man whose tribe is not present.<sup>3</sup> That is, the men who are sustaining their lawful<sup>e</sup> anger are

O'Donovan, but whence taken, cannot be ascertained. It was probably a conjecture to supply the defect in the MS.

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<sup>a</sup> Ir. *With-  
out bring-  
ing.*

<sup>b</sup> Ir. *Went  
down.*

<sup>c</sup> Ir. *Ne-  
cessary.*

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**ANAL.**  
**—**

ՅԵՐԵՄԻԱ ՍԵ ՔԱՇԽՈՒՄԻՆ ԻՐԱՆՈՒ ՔՅԵՐԱԽ ԵԱՅԻ ՈՒԽ ՔՈ  
ՇԵԼԵ ; ԱՇՏ ԱՐԵՐԱՏ ԱՐԱՆԵ ԸՆԾՈՒՄԱՏ ՔՐԻ ՔԵՐ ՆԵՄԱՐԿԱՐՈՒ.  
ՄԱ ՔՈ ՔԱ ՈՒ ՍՏՈՒՆ.

Ա ճօրագ օրէնքն օրհարեալէն ա հարտեն ա ռա ռաւէ՛ն ու  
 ռա ռեւէ, ի խն ու քա՛ն ռիւն ա ճիւղն ու արհաւոն ա թե ռիւղոց;  
 ու թե ռիւղոցոց, քո թիւ ա ռիւղոն ու ռիւղոցն աւսո արհաւոն;  
 ու քո թիւ ա ռիւղոցն աւ ռեւոյնէն, քե թե ռեւն քո թե ա  
 քոյնէն.

Մարա բիր աւ ւոտաւ, օսոյ աղբիւր աւ ուեւոտաւ, ա՛ւտ  
 մար Թ ու ւոտաւ ու մարեաւ աւտ, իր Լան; մար Թ ուեւոտաւ  
 տօ մարեաւ աւտ, իր Լան բիւաւ.

Մա տա տառի ու ծարս բի ար արտ օսւր ու սիլ տսա՛ւ ու  
բի ակե, լիւն բօր յա տսա՛ւե սիլ ար արտ օօ մարնաօ, օսւր  
մար օ յօ մարն նեչ, ի՛ր բիւսի Բայր Եօրն:

1n fep leť etpana do čuaro fip, cio he busein cio he in fep fip i nvečaro taib no rogaril fip [in fep] amach tpe fupifupio a leť etpana, lan fiač uao ipin fep amach, ocup plan don fip amuic eipium; ocup lan fiač uao ipin fep fupin nvečaro taib, ocup leť fiač on fip fip i nvečaro taib inopium; cen caemačtu a terryačte, ocup má ta caemačtu terryačte, ip lan fiač.

Ին քեր թորանա օրէւոյնքե տօ ճիւստ քի բլան տօ Եաճ քօջալ  
 տօ շենա քիս Եա յետարբարտ, մանա ԵամնաԿար ճենա, օԵսր  
 մա ԵամնաԿար, քի բլաճ քօ ալոնքօ Ե բաճա ալք.

Μα ποὺ τοὺς τοὺς καὶ τοὺς αὐτοὺς, ἢ ἡμεῖς οὐκ ἐστὶν  
 τοὺς τοὺς, οὐκ ἐστὶν ποὺ ὑποκαταστήσει. Μα ποὺ τοὺς τοὺς καὶ  
 τοὺς αὐτοὺς, ἢ ἡμεῖς οὐκ ἐστὶν τοὺς τοὺς, οὐκ ἐστὶν



exempt though the sharp iron of each of them injure the other; but some say that they shall make *reparation* to a person who interferes between them, if anything (*injury*) is done by them.

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In a general deliberate contest *fought* with the recognition of their two territories or two tribes, each *combatant* is exempt in killing the other within the legal time; or beyond the legal time, both being aware of its legality or of its illegality; or provided the innocent person be aware of its illegality, whether the guilty person be or be not *aware of it*.

If the guilty person be aware of it, and the innocent person be not aware of it, and if it be the guilty person that was killed in the case, there is exemption *for the killing*; if it be the innocent person that has been killed, there is full fine *for it*.

If the tribe of one man be present and the tribe of the other be not, there is exemption for killing the man whose tribe is present, but if it be he who has killed a person, there is a fine for unjust killing *imposed*.

If a man prejudiced in favour<sup>a</sup> of one of the combatants interfered between them, whether it be himself or the man in whose behalf he interfered that, owing to his interference, injured the other man, he (*the man who so interfered*) pays full fine for the other man,<sup>b</sup> and the other<sup>b</sup> man is exempt with respect to him; and he pays full fine on account of the man in whose behalf he interfered, and the man in whose behalf he interfered pays him half fine; *this is* when there is no power of saving him (*the injured man*), but if there is power of saving, it (*the penalty*) is full fine.

<sup>a</sup> Ir. *Of half interference.*

<sup>b</sup> Ir. *The man outside.*

The impartial person who interferes between them is exempt on account of any injuries he may inflict on them in separating them, provided he could not help it (*doing the injury*), but if he could help it, he shall be fined according to the nature of the case.

If they were both engaged in an unlawful<sup>c</sup> combat, they each pay full fine for it, (*injuring the impartial person who interfered between them*), whichever of them injured him. If the combat were a lawful one on both sides, they each pay half fine for *injuring him* (*the impartial person who inter-*

<sup>c</sup> Ir. *If each of them was unlawful to the other.*

— Munja per inta ariŭe po ruadŭnauŭ ru, marub intuler  
vo caŭ tob a ŭeile, leŭ riac o ceŭtar de co poib lan riac  
ano. Ma roba viler vo caŭ tob a ŭeile, cethruime o  
ceŭtar de co poib leŭ riac ano.

[illegible]

Մանա ւիւ զօժաճէս տօճից ծիցից յիւ տօիշո աւե աբ  
բօիշեմսւն տօիշոճ, օսւր ստ զօժաճէս իմգաճաճ աբ  
իւծիւս, օսւր մար ք յիւ իւծիւս յօ մարծօ առն, իրլան ; մար  
ք յօ մարծ յեշ, իր լան ղիաշի.

[illegible]

<sup>1</sup> *And the defendant has power of avoiding.*—The meaning of this and the following paragraph seems to be this: The case in which one or other of them is free from (the consequences of) the acts done by the other is when the complainant (the injured person) might have brought a good (i.e. not demurrable) suit in another form and the party defendant would have a good defence to it. If the party injured could bring a good suit against the party who did the injury, the latter would have no defence to it. He would be in the position of "one who is pursued, &c.," i.e. he may be proceeded against in either form of action.

ferred), whichever of them injured him, and in this case the particular person who injured him is known. THE BOOK  
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If the particular person who injured him is not known, and if the combat was illegal on both sides,<sup>a</sup> each of them pays half fine, so that he (*the injured person*) has full fine in the case. If the combat was legal on both sides,<sup>b</sup> each of them pays one-fourth fine, so that he (*the injured person*) has half fine in the case.

<sup>a</sup> Ir. *If each of them was illegal to the other.*  
<sup>b</sup> Ir. *If each of them was legal to the other.*

If it (*the combat*) was legal on the one side and illegal on the other, he on whose part it was legal pays one-fourth fine, and he on whose part it was illegal pays one-half fine, so that the impartial person who interfered has three-fourths fine.

The case in which each of them is free from *the consequences of the acts done by* the other is when the plaintiff has power of lawful suit by another mode, and the defendant has power of avoiding.<sup>1</sup>

If the plaintiff has power of lawful suing through another mode, and the defendant has not power of avoiding, the defendant is like one who is "pursued to be wounded or to be killed without crime or with crime."<sup>2</sup>

If the plaintiff has not power of lawful suing by another mode, and the defendant has power of avoiding, and if it be the defendant who was killed, there is exemption *for the killing*; should he (*the defendant*) kill a person, there is full fine *for it*.

The exemption *in the case* of a court, and of an assembly; whatever stolen thing is brought is paid for by the king or the king's steward, the best in the territory. He can visit with correction the person who brought it in or bought it.

The exemption of a court, i.e., the assembly in the court for a territory is exempt. An assembly, i.e., that which is assembled there for that purpose. Whatever stolen thing, &c., is paid for, i.e., whatever stolen thing is brought into it, shall be nobly paid for by the king, or the king's steward, upon a binding-man and the guarantee of a surety for its restoration, as soon as he shall have returned home. Best in the territory, i.e., the best who is in the territory. He<sup>a</sup> can visit with correction the person who brought it in or bought it, i.e., on the man who brought it with him in theft, or who purchased or bought it, i.e., the guilty receiver of the stolen article,<sup>a</sup> who knew the theft and the thief.

<sup>a</sup> Ir. *The full unlawful middle thief man.*

<sup>2</sup>This is a reference to some ancient law maxim.

<sup>a</sup> He, i.e., the binding-man.

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Ահէ լանո քր թաւադ տեհա նառա.

.1. ա՛տ ւո լանո քր աք նա թո բեհաւո թո թոյր լնչո  
նառա, ա՛տ Կ՛ թա թա ինչ, Կա՛ թաւր ք բեքաւո տրեա թոն  
օյրոթաւ.

Կաւո թոյնք Ետրքս քր օսք ւո Կաւ առ նա՛ ռոնոն  
Կոնաւ Կոմբոյլք թոմո ? Ա՛ քրքա՛ թո Կոնքոն ւո քեռ քոն  
քոն, քոն քրլոյքո, ռո քոն թոնաւ, օսք քաքաւ՛ ա տրեաւո  
թոնաւ ռո քրլոյքո Կե Կե ռո ռո քոն աւ, ռո Կ՛ թա թա ինչ.  
Տոնո քոնքո Կ Կ քրքաւ թո Կոնք[ք]ե՛ ւո քեռ քոն քոն  
քրլոյքո, օսք ա տրեաւո թոնաւ ռո քրլոյքո թա քաքաւ  
Կե ռո քոն աւ, ա՛տ քրեքոյք ք Կքեռ լնչեռ ա՛տ Կ՛ թա  
թա ինչ.

C. 947. Եւա մա՛ օյրեւ [նո քո].

.1. քլան թոն մաւ ւո քրեաւ թո Կւլ օյքե, օսք թո ինչ  
օյքե, օսք Ետրքս օսք օյքե, օսք քրեա՛ ւո քոյքե  
Կոնք, օ Կք օյքե քլաւքք քր նա Կուլ քրեաւո Կուլ;  
օսք Լե՛ քա՛ թաւո քոն քոնքա՛ ւո Կոն Կք քրեա՛ ա օյքե  
քոնք, օսք օ քաքաւ քոն, Լե՛ քա՛ թաւո քոն քրեա՛, օսք  
Լան քա՛ քոն քոնքա՛.

Տլան թո ւո քրեա՛ քոնքաւք քոնք Կ՛ Կաւք, ռո Կ՛ քո,  
նո Կ՛ օնք, Կե Կե՛ քրեաւո Կե ռո Կե; օսք ւո քրեա՛ Կ՛  
քրեաւո քր քր քոնքաւք քոնք. Լե՛ քա՛ թաւո քոն քրեա՛  
Կե ռոնքաւք, ռո քոն քոնքա՛ Կ՛ քրեաւք, Կոն քոնք Կոն  
քաւ. Լան քա՛ թաւո քոն քոնքա՛ Կե ռոնքաւք; օսք ռո-

<sup>1</sup> Here however.—The MS. is defective at this place. The article seems unconnected with what has gone before, or comes after, and no other copy than the fragment in E. 3, 5, has been found.



But the principal only for lawful valuation.

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That is, but *the thief repays* the principal only, with lawful valuation, when he returns home, whenever there is an understanding that *this as a privilege has been granted* to the unworthy person.

What is the difference between this *case* and *that* wherein it is said "every animal which is handed over for a crime, *pending a law-suit?*" &c. The 'sed' was claimed from a native-freeman in that case, during the hosting, or the 'dun'-fort building, and his privilege in respect of hosting or 'dun'-fort building frees him, without anything whatever *being due* of him, until he arrives at his house. Here, however,<sup>1</sup> it is from a native-freeman the 'sed' is claimed during the hosting, and his privilege of 'dun'-fort building or hosting frees him from anything at all *being due* of him, but *he must give* a surety for lawful restoration in case he arrives at his house.

The exemption of pigs at the trough or in the sty.

That is, *should a person shout*, the pig is exempt as regards *injury* to the idler who is behind the person who shouted,<sup>a</sup> and beside the person who shouted<sup>a</sup> and between the person who shouted<sup>a</sup> and her (*the pig*), in case the person who shouted<sup>a</sup> is himself an idler, since it is *his* shouting that incites her against all the other idlers; and there is half fine upon her *owner* for *injuring* the profitable worker, whilst the excitement caused by the shout is upon her, and when it has gone off her, there is half fine from her *owner* for *injuring* the idler, and full fine for *injuring* the profitable worker.

<sup>a</sup> Ir. *The shouting.*

She (*the pig*) is exempt *as regards injury* to the idler who goes to her, to her trench or her sty, or her trough, whether there be provocation or not; and *as to* the idler who provoked her and upon whom she charged out. *There is* half fine from her *owner* for *injury* to the idler who did not provoke her, or to the profitable worker who did provoke her, whether outside or inside. There is full fine from her *owner* for *injury* to the profitable worker who did not provoke her; and there is no

**THE BOOK OF ANCHIL.** con ragabari cethruimē ar muic ar a piartamlaēt, uair piartamla cu ina muc, ocur piartamla muc ina bo; uair ni tormaigenn ar coin cuilen do breib, ocur ni dircuier do boin laeḡ do breib, ocur noco tormaigenn ni ar muic oiric do breib, ocur noēa rcuierenn di.

- C. 948.** Maḡa muca cet cintoāa uḡraiō iat, leē othruy co bar uaiēib, no leē aithgin iar mbar. Maḡa muca biēbineāa [uḡraiō], leē uiric ocur othruy [comlan] co bar, ocur leē uiric pē taeā aithgina iar mbar; ocur rcuier mepaēt an eigme leē uib. Ocur cemato ail uḡranduy doēruy no daiethgin do uul pē lar ann ar pēp neigmi, noca paḡa, uair nocon fuil aithgin uic do pellaē co tapraētain aithgina uḡri laime. [In uair] icar pēp eigme pann do uiric noco **C. 948.** nicann pann doēruy, na daiethgin; [ocur in tan icar panto doēruy no daiethgin nocho nicann panto do uiric. In panto othruya no aithgina icar], pann uiric do uul pē lar ar pēat aithgina .i. pē pēctmato arpuum in uaine, no no ceitru cuicid in boin, no leē in ech, uair noca nē iḡ pēar laime.

- C. 948.** [In cutruma] nech rcuier eigem uḡri eigme, nocon ar muic tet [aēt, a uul pē lar]; neē rcuier eigem do muic nocon ar pēar eigme teit, aēt a uul pē lar; ocur nocon aēpēḡar cuibōer eturru, aēt a lan uic ar a aḡiō pēin.

Al eigem compaiti in coḡnaiḡ lan uiri na cneidi co bar

fourth got for a pig on account of her beastliness, for the hound is more beastly than the pig, and the pig is more beastly than the cow; for it does not add to *the value* of a hound to have had pups, and it does not take from *the value* of a cow to have had a calf, and it does not add to *the value* of a pig to have had young pigs, and it does not take from her *value*.

If the pigs *who have done any injury* belong to a native-freeman, and it is their first offence, full half sick-maintenance until death *is due* of them *to the injured person*, or half compensation after death *is the fine*. If they are vicious pigs belonging to a native-freeman, *there is* half 'dire'-fine and sick maintenance until death *to be paid*, and half 'dire'-fine with compensation, after death; and the excitement of the shouting takes half *the fine* off them. And though it should be desired that a part of the sick-maintenance or of the compensation should be remitted in favour of the man who shouted, it shall not be so, for there is no compensation to be paid by the looker-on until compensation has been received from the actually guilty person.<sup>a</sup> *And* when the man who shouted pays a part of the 'dire'-fine he does not pay any part of sick-maintenance, or of compensation; and when he pays a part of sick-maintenance or compensation he pays no part of 'dire'-fine. *Of* the portion of sick-maintenance or of compensation which he does pay, a part is remitted in lieu of compensation, viz., six-sevenths<sup>1</sup> with respect to a person, or four-fifths with respect to a cow, or one-half with respect to a horse, for he is not the actually guilty person.<sup>a</sup>

The proportion of the fine for shouting which is taken off the man who shouted, does not fall<sup>b</sup> upon the pig, but is remitted; the proportion which shouting takes off the pig does not fall<sup>b</sup> upon the man who shouted, but is remitted; and there is no participation considered between them, but the full *fine* is to be paid *by each* on his own account.

For *the injuries from* the malicious shouting of a sensible adult there shall be paid the full 'dire'-fine of the wound

<sup>1</sup> *Six-sevenths*.—In C. 948, the portion remitted in such case is said to be, one-seventh with respect to a person, one-fifth with respect to a cow, and one-half with respect to a horse.

THE BOOK OF ԾԻԸ, ԸԾԻ Ի ԵՐԵՄԻԱԿ ԸԾԻ Ի ՆԵՐԻԱԿ ԸԾԻ Ի ՌՈՅ, ԼԱՆ ԵՈՐԻՊՈՒՐՈ ՆԱԲ  
OF ԽԵՐԿՐ ԻՐ ՈՒ ՏԱՈՒԾ, ՕՍՐ ԼԱՆ ՏՈՒՐՈ ԻՐ ՈՒ ՌՈՅԱՆԾ.

Յիգեմ քրթաւոն զտղութիւնս, Լէ՛զ տըրք նա շուրժու ած Եօ Եփրատի մարտ  
 1 տորձա՛ծ. օհար 1 դոբ, դօ դշտմարտ ստիկարդա 1 'նքրթա՛ծ, Լէ՛զ  
 զայրքտըրք տար մԵփար տըրք նա ծախոմ, Լէ՛զ տըրք տըրք նա դոբան.

Ելցեմ իրօքեծիրս տօրեա ին օտոռաջ, յի թէճմարօ օճարս  
 օօ Բար : տօրեա, օսար յի թէճմարօ աւեցնա յար մԲար : յի  
 թէճմարօ օճարս օօ Բար : յորԲաճ, օսար տի թէճմարօ աւե-  
 ցնա յար մԲար : օւթիս օսւսօ օճարս օօ Բար : մԲօռ, օւթիս  
 օսւօռ աւեցնա յար մԲար : Լե՛ օճար օօ Բար : ղե՛,  
 Լե՛ աւեցն յար մԲար.

[illegible]

Ելցեմ քրԷ մու 1 յաք 1Է Լե՛ Ծրե, շեղրաւմե յա  
 շուտ Է Էար 1 յո՞ Էուր 1 ԷրԷձ, շր յեճեաւտ Էղրա  
 Է Էար 1 յերԷձ, շեղրաւմե ԷուրԷուրե 1Էր մԷար 1ր յա  
 Էճու՞, շեղրաւմե Էրե 1ր յա յօրա՞.

Ելեմի Ինտելիքս տորձա միւ Ի յաբ Իձ Լե՛ Երե, Եր  
Դեժժաւ օտրըր Եօ Եար Ի Եօրձ, Եր Դեժժաւ աւհ-  
ճա Իար մԵար; Դեժժաւ օԵըր Իձ Եեթըրմա Դաճճ Եե  
օժըր Եօ Եար Ի յերձ, Դեժժաւ օԵըր Իձ Եեթըրմա Դաճճ  
Եե աւհճա Իար մԵար; Եձ Եաւեօ օտրըր Եօ Եար Ի մԵօձ,



until death, whether profitable workers, idlers, or animals THE BOOK OF AICILL.  
*be injured*, and full body-price after death for *injuring* persons, and full 'dire'-fine for *injuring* animals.

*For the injuries from the playful shouting of a sensible adult, there shall be paid, half 'dire'-fine of the wound until death in the case of profitable workers and animals, six-sevenths of sick-maintenance until death for idlers, half body-price after death for persons, and half 'dire'-fine for animals.*

*For the injuries from the shouting for unnecessary profit by a sensible adult, there shall be paid six-sevenths of sick-maintenance until death in the case of profitable workers, and six-sevenths of compensation after death; six-sevenths of sick-maintenance until death for idlers, and three-sevenths of compensation after death: four-fifths of sick-maintenance until death for a cow, and four-fifths of compensation after death; half sick-maintenance until death for a horse, and half compensation after death.*

*For the injuries from the malicious shouting of a youth at the age of paying half 'dire'-fine, there shall be paid half 'dire'-fine for the wound until death, in the case of profitable workers, idlers, or animals; half body-fine after death in the case of persons, and half in the case of animals.*

*For the injuries from the playful shouting of a youth at the age of paying half 'dire'-fine, there shall be paid one-fourth of the fine for the wound until death in the case of animals and profitable workers, three-sevenths of sick-maintenance until death in the case of idlers, one-fourth body-fine after death in the case of persons, and one-fourth of 'dire'-fine in the case of animals.*

*For the injuries from the shouting for unnecessary profit, of a youth at the age of paying half 'dire'-fine, there shall be paid three-sevenths of sick-maintenance until death in the case of profitable workers, and three-sevenths of compensation after death; a seventh and a fourteenth of sick-maintenance until death, for idlers, and a seventh and a fourteenth of compensation after death; two-fifths of sick-maintenance until death for a cow, and two-fifths of com-*

THE BOOK DA CUICEO AICHGINA IAR MBAR; CETHRUIME OCHRUFA CO BAR  
OF  
AICLA. 1 nech, ceithruime aichgina iar mbar.

Θιγγem compaiti mic in naef ica aichgina, [ir] cutrumur  
rečtmaro in lan vire ochrufa co bar 1 torbač ocuf 1  
nerbač, re rečtmaro iar mbar; no cumab re rečtmaro  
ochrufa co bar, ocuf in rečtmaro aichgina iar mbar;  
cutrumur cuicco in lan vire vochruv co bar 1 mboin,  
ocuf ceithre cuicco aichgina iar mbar; no comaro  
ceithruime cuicco aichgina iar mbar, ceithru cuicco  
ochrufa co bar; cutruma leče in lan vire vochruv co  
bar 1 nech, ocuf leč aichgin iar mbar; no comaro leč  
ochruv co bar, ocuf leč aichgin iar mbar.

Θigem erba mic 1 naef ica aichgina [ir] cutrumur  
rečtmaro in leč vire vochruv co bar, ceithruime 1 tor-  
bach, rečtmaro na re rečtmaro 1 nerbach, tru rečtmaro  
aichgina iar mbar 1 cečtar vce, cio 1 torbač, cio 1 nerbach;  
no, comaro tru rečtmaro ochrufa co bar 1 torbač, ocuf tru  
rečtmaro aichgina iar mbar; cutrumur reirio in leč  
vire vochruv co bar 1 mboin, ocuf da cuicco aichgina iar  
mbar; no, comaro a cuicco ochrufa co bar, ocuf da cuicco

<sup>1</sup> *After death.*—The following is found written in apparently a different hand at the lower margin of the MS. E. 3, 5, p. 32. It seems a mere fragment, and not connected in particular with this part of the work. For “75” of the MS., usually the contraction of “etge,” Dr. O'Donovan conjectured “eighe,” and translated accordingly.

[Ca roğail eighe iur na fail veitbir torbağ na erpağ co bār nā iar mbar? .1. ačt ir cutrumab ino co bar ocuf iar mbar an compaitce.

Ca roğail eighe iur a ca veitbir torbağ ocuf erbağ co bar ocuf na fail iar mbar? .1. in tērpac, oir ir cutrumab iūn torbač, ocuf iūn erbač iar mbar.

Ca roğail eighe iur aca veitbir torbağ ocuf erbağ co bar, ocuf iar mbar? .1. in veitbir torba rīoe.]

pensation after death; one-fourth of sick-maintenance until death for a horse, and one-fourth of compensation after death.<sup>1</sup>

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*For the injuries from the malicious shouting of a youth at the age of paying compensation, there shall be paid a proportion equal to a seventh of the full 'dire'-fine of sick-maintenance until death in the case of profitable workers and idlers, and six-sevenths of compensation after death; or, according to others, it may be six-sevenths of sick-maintenance until death, and a seventh of compensation after death; a proportion equal to a fifth of the full 'dire'-fine of sick-maintenance until death for a cow, and four-fifths of compensation after death; or, according to others, it may be one-fourth of one-fifth of compensation after death, and four-fifths of sick-maintenance until death; a proportion equal to one-half the full 'dire'-fine of sick-maintenance until death for a horse, and half compensation after death; or, according to others, it may be half sick-maintenance until death, and half compensation after death.*

*For the injuries from the playful shouting of a youth at the age of paying compensation there shall be paid a proportion equal to one-seventh of the half 'dire'-fine of sick-maintenance until death, one-fourth in the case of profitable workers, one-seventh of six-sevenths for idlers, and three-sevenths of compensation after death in the case of either profitable workers or idlers; or, it may be, according to others, three-sevenths of sick-maintenance until death in the case of profitable workers, and three-sevenths of compensation after death; a proportion equal to one-sixth of the half 'dire'-fine for sick-maintenance until death in the case of a cow, and two-fifths of compensation after death; or, according to others, it may be one-fifth of sick-main-*

What trespass arising from shouting is it in which there is no difference of profitable workers, or idlers, till death or after death? That is, the malicious shouting for which there is equal fine till death and after death.

What trespass arising from shouting is it in which there is a difference of profitable workers and idlers, till death, and not after death? That is, the playful shouting, for there is equal fine for injury to the profitable workers and the idlers, after death.

What trespass arising from shouting is it in which there is a difference of profitable workers and idlers till death, and after death? That is, the case of apparent advantage?<sup>a</sup>

<sup>a</sup> Ir. unnecessary profit.

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աւիցնա յար մօր; արքայա լիւն ին լե՛ տիր յօտիր ար  
ար իմ ech, արք յարքայա աւիցնա յար մօր; no, comat  
արքայա օտիր արք, արք յարքայա աւիցնա յար  
մօր.

Ա յիցեմ ինտիւիւր տօրա միւ 1 յար լիւ աւիցնա  
արքայա յար մօր արքայա արք յար տօրա, արք-  
այա յար արքայա աւիցնա յար մօր; արքայա յար  
արքայա օտիր արք յար յար, արքայա յար արքայա  
աւիցնա յար մօր; արքայա յար արքայա արքայա արք  
արք յար մօր, արքայա յար արքայա արքայա աւիցնա յար  
մօր; արքայա օտիր արք յար իմ ech, արք յարքայա [աւի-  
ցնա] յար մօր; no comat օտիր արքայա արք արք  
օտիր աւիցնա յար մօր.

C. 952. [1րօ յի յիցեմ արքայ արք, ա յար արքայ յար  
արք յար ա յար յար յար արքայ յար յար; արք յար  
արքայ արքայ յար յար, արք յար յար յար յար.] 1րօ յի  
արքայ յար արքայ արք, ա յար արքայ յար յար.

C. 952. 1րօ յի յիցեմ յարքայ տօրա արք, յիցեմ յար յար յար  
արքայ յար ա յար յար [արք], արք յար յար արքայ յար յար  
արքայ յար; no յի յիցեմ յար յար.

C. 952. 1րօ յի յիցեմ յարքայ տօրա արք, [ա յար] 1 յար  
արքայ յար ա յար յար ա յար յար, [արք] յար արքայ ա յար յար  
արքայ յար.

Յի յար յար յար յար.

1. յար յար յար յար յար յար յար յար, no յար  
արքայ յար յար յար յար. յար յար յար յար յար յար  
արքայ յար յար, յար յար յար յար յար յար յար յար  
արքայ յար յար, արքայ յար յար յար յար.

<sup>1</sup> In a more lawful manner. This and the two preceeding paragraphs are given  
somewhat differently in C. 952, but the sense is substantially the same.

<sup>2</sup> Little necessity.—For "bec" of the MS. Dr. O'Donovan conjectured "bec"  
as a better reading.



tenance until death, and two-fifths of compensation after death; a proportion equal to one-half of 'dire'-fine of sick-maintenance until death for a horse, and a fourth of compensation after death; or, *according to others*, it may be one-fourth of sick-maintenance until death, and one-fourth of compensation after death.

*For injuries from the shouting for unnecessary profit of a youth at the age of paying compensation there is paid a seventh of six-sevenths of sick-maintenance until death, in the case of profitable workers, a seventh of six-sevenths of compensation after death; a seventh of the three-sevenths of sick maintenance until death in the case of idlers, a seventh of the three-sevenths of compensation after death; a fifth of four-fifths of sick-maintenance until death for a cow, and a fifth of four-fifths of compensation after death; a fourth of sick-maintenance until death for a horse, and a fourth of compensation after death; or, it may be an eighth of sick-maintenance until death, and an eighth of compensation after death.*

"Idle shouting" means the doing of it for the purpose of sport, and it is not sport with respect to the pigs; and if it were, it should be *considered as* idleness of foul play, and there would be full fine *for it*. "Malicious shouting" means doing of it (*the shouting*) with a view to injury.

"Shouting for necessary profit" means shouting for the purpose of driving cattle out of *fields of grass*, or of corn fields, when they could not *have been driven thence* in a more lawful manner; or, *according to others*, it means shouting before a plundering party.\*

"Shouting for unnecessary profit" means the doing of it (*the shouting*) in order to drive cattle out of *fields of grass* or corn fields, when it (*the driving out*) could have been done in a more lawful manner.<sup>1</sup>

\* Ir. A  
plundering.

The exemption as regards a boat in rowing or swamping.

That is, the person is exempt who, by himself, takes a boat to row, or who along with another person swamps it. If it were *taken down in a case of little necessity*,<sup>2</sup> or through wantonness, there is a fine of foul-play for every trespass committed in taking it down and bringing it up.

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ARIEL.

Maṛ pe deiḏbiṣur doeema pucāḏ rir hi, i. plainti eppā  
[iḡ] ocuṛ etarbaiḡ in caḏ pogaḏ do gentar ac a bpeith rir  
ocuṛ ac a tabairt inuṛ. Cio uatha cio rocharde po aen-  
taiḡ in nimbaḏuḏ, iṛ piach pianduiḏi o caḏ uib ina ceile.

Ma po aentaiḡ in tapa tpeṁ, ocuṛ nṛ aentaiḡ in tpeṁ  
aile, iṛ piach pianduiḏe iṛin tpeim po aentaiḡ, ocuṛ piāḏ  
cola cluiḏi iṛin tpeim nap aentaiḡ.

Ma tait luḗt laime anḏ, ocuṛ luḗt imrama, ocuṛ luḗt  
meḏoncluiḏi, iṛ iat iṛ luḗt laime anḏ luḗt in combaiti, iṛ  
iat iṛ luḗt meḏoncluiḏi anḏ luḗt imrama, iṛ iat i[ṛ]  
rellaiḡ ann in luḗt po bi na toṛt iṛ in nae.

Ma ta luḗt combaiti inḏti, ocuṛ luḗt imrama, iṛ iat iṛ  
aer laime ann luḗt in combaiti, iṛ iat iṛ luḗt meḏon-  
cluiḏi ann luḗt imrama; iṛ iat i[ṛ] rellaiḡ ann in luḗt  
po bi ar purt ina piadnair, ocuṛ co niepaitir a tair-  
meapc.

Ḑla liathroir urcuṛ paichi pṛim cathraḏ.

.1. plan don ti uapalrcuṛer in liathroir ar paichi na  
caṛpaḏ pṛimḏa, cēna beṛa ac acra ar neḏ uul ar a nup-  
lainn, no cluiḏi do dēnum uirpe; noco olegar a acra air,  
uair uicomair cach nuplainn.

Na huile denta uile biar ar paiche, plan do a compca-  
leḏ ar daiḡin comallaḏ a oḏiḡo paichi; manab ar daiḡin  
comallaḏ a oḏiḡo paicḗti, iṛ piāḏ po aicneḏ a paṛa air.

Maṛa denta ina denta inoḏiḡteca he peḗtair paicḗ,  
iṛ lan piāḏ ina cet cinair a paicḗti.

Maṛa denta ina denta oḏiḡeḗca peḗtair paiche, iṛ aith-  
ḡin ina cet cinair a paiche.

Ma do ḡuair in liathroir peḗtair paicḗ amach, deiḏbiṣur

<sup>1</sup> *That one might not.*—For “cēna” of the MS. Dr. O'Donovan conjectured  
“conā,” and translated accordingly

If it were through accidental necessity it was taken down, THE BOOK OF AICILL.  
 i.e. there is exemption on account of *injury* to idlers and unprofitable workers, for every trespass committed in taking it down and bringing it up. Whether few or many have consented to the swamping, there is a fine of foul-play from each of them in either case.

If one party consented and the other party did not consent, there is a fine of fair-play from the party that did consent, and a fine of foul-play from the party that did not consent.

If there be a hand-party there, and a rowing-party, and a party of middle-sport, the hand-party is the swamping-party, the middle-sport-party is the rowing-party, and the spectators are they who are silent in the boat.

If there be a swamping-party there, and a rowing-party, the swamping-party is the hand-party, the rowing-party is the middle-sport-party, and the spectators are they who were present on the bank, and who could have prevented it (*the swamping*).

The exemption as regards the ball in being hurled on the green of the chief 'cathair'-fort.

That is, the person is exempt who nobly strikes off the ball upon the green of the chief 'cathair'-fort, and this is in order that one might not<sup>1</sup> be sued for going upon a green, or playing a game upon it; it is not right that one should be sued for it, because "every green is free."

A person is exempt for demolishing every structure erected upon the green, *if he does so* for the purpose of maintaining the lawful use<sup>a</sup> of the green; *but* if it be not for the purpose of maintaining the lawful use<sup>a</sup> of the green, he pays a fine for it according to the nature of the case. <sup>a</sup> Ir. lawfulness.

If the structures be illegal structures outside a green, there is full fine for their first injury<sup>b</sup> to the green. <sup>b</sup> Ir. trespass.

If the structures be legal structures outside a green, there is compensation *to be made* for their first injury to the green.

If the ball went out beyond the green *and a person goes for it*, the case shall be ruled by necessity and consent and



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—

ocur uriafaet ocur uriaðao do riasail rir. Mara deið-  
birur ocur uriafaet ocur uriaðao, iplan.

Mara deiðbirur ocur uriafaet no uriaðao, a teora  
ceðruime a plánni ocur a ceðruime a cinnaiðe.

Mara deiðbirur cen uriafaet, cen uriaðao, a leð a  
plánni ocur a leð a cinnaiðe.

Ce beið uriafaet ocur uriaðao, mana raib deiðbirur,  
no comarlecuro, noco namuil torba; aet muna roib ur-  
iafaet co comarlecuro a nindeiðbirur acon rir tall, uar  
mao eo on, iplan.

Ireð ir deiðbirur and do deiðbirur dul ar cenn na  
liaðroiti.

Ireð ir uriafaet and a epcail do dul ar a cenn.

Ireð ir uriaðao ann ririaðao na bernao. Leð riae  
ruine caide in cað rogail do dena in liaðroit tall, ocur do  
gentar ac a tabairt amach.

bla ceite ruz tulcomrac.

1. plan don ruz in compac tulla do niat in da marpað  
ina cet, ina raiðe; no iplan don ruz in maiom talman bir  
aice ina raiðe.

Mara maiom talman na cumangar do lerugao tpe na  
muireo no tpe na linað, ce co nirta aile do denum ime,  
ir dena riraið, ocur ir plan he a leð rir na huilib.

Mara maiom talman conecar do lerugao, ir biðbinði  
do riasail rir.

Mara coonað po targetur in eð do cum in dena, ir  
riað po aicneð a raða on coonað iran ech, ocur lan riacb  
po biðbinði in dena o rir in dena rin coonað; ocur

<sup>1</sup> *Man-trespass.*—That is as distinguished from trespass committed by a beast.

<sup>2</sup> *Wickedness is the rule with respect to it.*—That is the case is considered as a  
tortious negligence.

<sup>3</sup> *For the sensible adult.*—That is, for the injury done to the sensible adult.



closing. If there be necessity and consent and closing, he THE BOOK OF AICILL. *who goes for it* is exempt.

If there be necessity and consent or closing, he is three-fourths exempt and one-fourth liable.

If there be necessity without consent, without closing, he is half exempt and half liable.

Though there should be consent and closing, if there was not necessity, or permission *in the case of necessity*, it is not the same as *the case of* a profitable worker; unless in case of non-necessity he<sup>a</sup> has consent and permission, for if he have, he is exempt. <sup>a</sup>Ir. The man within.

"Necessity" means the necessity of his going for the ball.

"Consent" means that leave is given him to go for it.

"Closing" means really closing the gaps. There is half fine for man-trespas<sup>1</sup> for every injury which the ball does within, and which is done in bringing it out.

The exemption as regards a king's race-course *in case of sudden collision*.

That is, the king is exempt *from liability* as regards a sudden collision that may occur between two horsemen on his race-course, *i.e.* his green; or, the king is exempt *from liability* for accidents caused by a chasm that he may have in his green.

If the chasm be one that cannot be made safe by levelling it or filling it up, but could *be made safe* by constructing a stake-fence around it, *if this has been done*, it is a lawful structure, and there is full exemption as regards all *accidents caused by it*.

If the chasm be one that could have been made safe by *levelling or filling up*, but *was not*, wickedness is the rule respecting it.<sup>2</sup>

If a sensible adult brings a horse to the structure, *and an accident happens*, a fine according to the nature of the case is *due* from the sensible adult for *injury to* the horse, and full fine according to the imperfection of the structure is *to be paid* by the owner of the structure for the sensible adult;<sup>3</sup>

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plan can ni uao irin nech, uap ir coonach po tairgeirtar  
hi.

Mar i in tech po tairgeirtar in coonach do cum in  
dentā, leť riach po biťbinčē uirru, ocur rcuraro mepačē  
a hepma leť ri; ocur lan riach po biťbinčē in dentā o rir  
in dentā irin nech, ocur leť othruir no leť aithgin uao  
irin coonach.

Marā mac i naer ica leť riare po tairgeirtar in ech do  
cum in dentā, cethruime riare ocur othruir comlan co bar,  
cen comgnim, ocur mā tā comgnim, ir cethruime riare  
ocur leť othruir; cethruime riare re taeb naitghina iar  
mbar, can comgnim, ocur mā tā comgnim, cethruime riare  
ocur leť aithgin; ocur lan riach po biťbinčē in dentā o rir  
in dentā, irin mac, ocur leť othruir no leť aithgin uao ir  
in nech.

Marā mac i naer ica aithghina po tairgeirtar in eadh do  
cum in dentā, ir leť othruir ocur curumuir leťe in leť  
riare dothruir co bar, cen comgnim, cethruime othruira  
ocur curumuir cethruimē in leť riare; teora cethruimi  
aithghina iar mbar, cen comgnim, ocur mā tā comgnim,  
cethruime ocur očmač; lan reich po biťbinčē in dentā o  
rir in dentā irin mac, ocur leť othruir no leť aithgin ir  
in neach.

Mā re in tech po tairgeirtar in mac do cum in  
dentā, ciro beo mac uile, ciro mac i naer ica aithghina, ciro  
mac i naer ica let riare, leť riach po b[riťbinčē] ar an ech, ocur

and he (*the owner of the structure*) is exempt from *paying* anything on account of the horse, because it was a sensible adult that brought it (*the horse*). THE BOOK  
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—

If it is the horse that brings the sensible adult to the structure, there is half fine upon it (*the horse*) for its wickedness, and the excitement of being ridden takes *the other* half off it; and full fine according to the imperfection of the structure is *to be paid* by the owner of the structure for *injury* to the horse, and half sick-maintenance or half compensation for *injury* to the sensible adult.

If it be a youth at the age of paying half 'dire'-fine that brings the horse to the structure, *in case of accident, there should be paid* one-fourth 'dire'-fine and full sick-maintenance until death, if no one else is equally in fault,<sup>a</sup> and if some one else be equally in fault,<sup>b</sup> it is one-fourth 'dire'-fine and half sick-maintenance *he pays*; one-fourth 'dire'-fine with compensation after death *is to be paid*, if no one else is equally in fault,<sup>a</sup> and if any one else is equally in fault,<sup>b</sup> one-fourth 'dire'-fine and half compensation; and the owner of the structure pays full fine according to the imperfection of the structure, for the youth, and half sick-maintenance or half compensation for the horse.

<sup>a</sup>Ir. Without  
co-operation.  
<sup>b</sup>Ir. If  
there be co-  
operation.

If it be a youth at the age of paying compensation that brings the horse to the structure, it is half sick-maintenance and the equivalent of half of the half 'dire'-fine of the sick-maintenance until death *that should be paid* when no one else is equally in fault,<sup>a</sup> and if another be equally in fault,<sup>b</sup> one-fourth of sick-maintenance and the equivalent of one-fourth of half 'dire'-fine; three-fourths of compensation after death, if no one else be equally in fault,<sup>a</sup> and if any one else be equally in fault,<sup>b</sup> one-fourth and one-eighth; and the owner of the structure pays full fine, according to the imperfection of the structure, for the youth, and half sick-maintenance or half compensation for the horse.

If it is the horse that brings the youth to the structure, whatever youth he be, whether a youth at the age of paying compensation, or a youth at the age of paying half 'dire'-fine, *there is* half-fine upon the horse for its wickedness, and the

THE BOOK ԴԵՍԻՐՈՒ ՄԵՐԱՇԻՏ Ա ԿԵՐՄԱ ԼԵՏ ԾԻ; օՍՐ ԼԱՆ ՔՕ ԽԻՇԽՈՆՇ  
 OF ԻՆ ԾԵՆՏԱ Օ ՔԻՐ ԻՆ ԾԵՆՏԱ ԻՐԻՆ ՈՇ, օՍՐ ԼԵՏ ՕՇԻՐՍՐ, ՈՆ ԼԵՇ  
 ԱՆՇԻՅԻՆ ԱՏՕ ԻՐԻՆ ՄԱՇ.

ՄԱՐ ՔԵ ԿՈՄՔԱՇ ԿԱԼԼՈՒ ԾԱ ՄԱՐՔԱՃ, ՄԱՐ ՔԵ ԱՅԻՐԵՄ ԾՈՐԻ  
 ԲԱ ԱՏԱՆՏ ՄԱՐ ԱՅՆ, ԻՐ ԵՐԿԱՆ ՆԱՆՇԻՅԻՆԱ Օ ԸԱՃ ԾԻԲ ՔԵՐՆ ԻՆԱ  
 ՇԵԼԵ, օՍՐ ԼԵՇԽՐԻՐՈ; ՄԱՐԱ ԿՈՄԽՐԻՐՈ, ԻՐԵՐԻՐՈ ՆԱՆՇԻՅԻՆԱ.  
 ՇԵՆ ՇԱՅՄԱՇՏԱ ԻՄՃԱԲԱԼԱ, օՍՐ ՄԱ ԵԱ ՇԱՅՄԱՇՏԱ ԻՄՃԱԲԱԼԱ,  
 ԻՐ ԱՆՇԻՅԻՆ օՍՐ ԼԵՇԽՐԻՐՈ, օՍՐ ՄԱՐԱ ԿՈՄԽՐԻՐՈ ԻՐ ԼԵՏ  
 ԱՆՇԻՅԻՆ.

ՄԱՐ ՔԵ ԿԵՐԲԱ ԱՏԱՆՏ ՄԱՐ ԱՅՆ, ԻՐ ՔԻԱՆԼՈՒՇԵ Օ ԸԱՃ  
 ԾԻԲ ԻՆԱ ՇԵԼԵ օՍՐ ԼԵՇԽՐԻՐՈ; ՄԱՐԱ ԿՈՄԽՐԻՐՈ, ԻՐ ԼԵՏ  
 ՔԻԱՃ ՔԻԱՆԼՈՒՇԵ. ՇԵՆ ՇԱՅՄԱՇՏԱ ԻՄՃԱԲԱԼԱ; օՍՐ ՄԱ ԵԱ  
 ՇԱՅՄԱՇՏԱ, ԻՐ ՔԻԱՇ ԸՈԼԱ ԸԼՈՒՇԵ ԻՐ ԻՆ ԼԵՇԽՐԻՐՈ, ՄԱՐԱ  
 ԿՈՄԽՐԻՐՈ, ԻՐ ԼԵՏ ՔԻԱՃ ԸՈԼԱ ԸԼՈՒՇԵ.

ՄԱՐ ՔԵ ԿԵՐՄԱ ՆԵՐՔԱ ԻՆ ԾԱՐԱ ԾԵ, օՍՐ ՔԵ ԿԵՐՄԱ ԾՈՐԻԲԱ  
 ԱՐԱԼԵ, ՔԼԱՆ ԾՈՆ ԾՈՐԲԱՇ ԻՆ ԵՐԲԱ, ՇԱՆ ՇԱՅՄԱՇՏԱ ԻՄՃԱ-  
 ԲԱԼԱ; օՍՐ ՄԱ ԵԱ ՇԱՅՄԱՇՏԱ, ԻՐ ԼԵՏ ԱՆՇԻՅԻՆ օՍՐ ԼԵՇԽՐԻՐՈ;  
 ՄԱՐԱ ԿՈՄԽՐԻՐՈ, ԻՐ ՇԵՏԻՐԱՄԵ ԱՆՇԻՅԻՆԱ. ԻՐ ՔԻԱՃ ՔԻԱՆ  
 ԸԼՈՒՇԵ ՕՆ ԵՐՔԱՃ ԻՐԻՆ ԾՈՐԲԱՃ, օՍՐ ԼԵՇԽՐԻՐՈ ՔԻՆ, ՄԱՐԱ  
 ԿՈՄԽՐԻՐՈ, ԻՐ ԼԵՏ ՔԻԱՃ ՔԻԱՆԼՈՒՇԵ, ՇԵՆ ՇԱՅՄԱՇՏԱ ԻՄՃԱԲԱԼԱ;  
 օՍՐ ՄԱ ԵԱ ՇԱՅՄԱՇՏԱ ԻՄՃԱԲԱԼԱ, ԻՐ ՔԻԱՃ ԸՈԼԱ ԸԼՈՒՇԻ օՍՐ  
 ԼԵՇԽՐԻՐՈ; ՄԱՐԱ ԿՈՄԽՐԻՐՈ, ԻՐ ԼԵՏ ՔԻԱՇ ԸՈԼԱ ԸԼՈՒՇԻ.

ՄԱՐ ՔԵ ԿԵՐՔԱ ՈՆ ՔԵ ԾՈՐԻԲԱ ԱՏԱ ԻՆ ԾԱՐԱ ԾԵ, օՍՐ ՔԵ ԻՆ-  
 ԾԵՆՇԻՐԱՍՐ ՔՕՂԱ ԱՐԱԼԵ, ՔԼԱՆ ԾՈՆ ԾՈՐԲԱՃ ՈՆ ԾՈՆ ԵՐՔԱՃ ԻՆ  
 ԾՈՆՇԵՆՇԻՐԱՍՐԵՇ ՔՕՂԱ, ԸԻՐ ԼԵՇԽՐԻՐՈ, ԸԻՐ ԿՈՄԽՐԻՐՈ, ՇԵ  
 ԲԵՏ ՇԱՅՄԱՇՏԱ ԻՄՃԱԲԱԼԱ ՇԵՆ ՇՕ ԲԵ, ԱՇՏ ՆԱՐԱԲ ԾԱ ՆՇԵՕԻՆ  
 ԱՇՇԵՆԱՇԻՏ ՔԻՐ; օՍՐ ՄԱՐ ԵՐ, ԻՐ ԼԱՆ ՔԻԱՇ ՔՕ ԱՆՇԵՐՈ Ա



excitement of being ridden takes the one-half off it; and the owner of the structure pays full fine, according to the imperfection of the structure, for the horse, *if injured*, and half sick maintenance, or half compensation for the youth.

If it be a face to face collision of two horsemen, and if they who are both on profitable business, there is one-third of compensation from each of them to the other, and *this is so, if there be injury on one side only*;\* but if there be injury on both sides,<sup>b</sup> there is one-sixth of compensation. *This is the case when they could not have avoided each other, but if they could have avoided each other, there is full compensation for injury on one side,<sup>a</sup> and half compensation if there be injury on both sides.<sup>b</sup>*

\*Ir. Half-injury.  
bIr. Joint-injury.

If both are *riding* for amusement, there is a fine for fair-play from each of them to the other for injury on one side; if there be injury<sup>b</sup> on both sides, there is half fine for fair-play. *This is when they could not have avoided each other; but if they could, there is a fine for foul-play for injury on one side<sup>a</sup>, and half fine for foul-play, if it be injury on both sides<sup>b</sup>.*

If one of them was riding for amusement and the other on profitable business, the person on profitable business is exempt from fine for injury to the idler, if it (*the collision*) could not have been avoided by him; but if it could, there is half compensation for injury on one side<sup>a</sup>; it is one-fourth of compensation if there be injury on both sides<sup>b</sup>. The idler pays a fine for fair-play, for the man on profitable business, in case of injury on one side, and half fine for fair-play in case of injury on both sides, if it (*the collision*) could not have been avoided by him; but if it could have been avoided, there is a fine for foul-play for injury on one side, it is half fine for foul-play, if there be injury on both sides.

If one was *riding* for amusement or profit, and the other for unnecessary trespass, the idler or the person on profitable business is exempt from fine for injury to the man of unnecessary trespass, whether there be injury on one side or injury on both sides, whether it (*the collision*) could have been avoided or not, but so as it was not wilfully they hurt him; and if it be, there is full fine upon them according to the nature of the case; and the unnecessary trespasser



pays full fine for *injury* to them,<sup>1</sup> whether there be injury on one side or injury on both sides, whether it (*the collision*) could have been avoided or not.

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"Injury on one side" means one man being in motion. "Injury on both sides" means the two being in motion; and *it is implied that* but one person was injured in each of these cases.

If it be a sensible adult that brought a horse to the place designedly, *he pays* full 'dire'-fine for the wound, and full sick maintenance until death, or full 'dire'-fine and full compensation after death.

If it was in idle play *he brought it*, *he pays* half 'dire'-fine for the wound and full sick maintenance until death, or half 'dire'-fine and full compensation after death.

If it was for unnecessary profit, *he pays* full sick-maintenance until death, or full compensation after death.

If a youth at the age of paying half 'dire'-fine brings the horse to the structure designedly, *he pays* half 'dire'-fine for the wound and full sick-maintenance, when there is no abettor;<sup>a</sup> but if there be an abettor,<sup>b</sup> it is half 'dire'-fine and half sick-maintenance *he pays*; half 'dire'-fine and full compensation after death, without an abettor, or *according to others* half 'dire'-fine and half restitution.

<sup>a</sup> Ir. *Without co-operation.*  
<sup>b</sup> Ir. *Co-operation.*

If it was in idle play *he brought the horse to the structure*, *he pays* one-fourth of 'dire'-fine for the wound and full sick-maintenance until death, when there is no abettor, but if there be an abettor, it is one-fourth of 'dire'-fine *he pays* and half sick-maintenance; or, *according to others*, one-fourth of 'dire'-fine and full compensation after death, without an abettor, and if there be an abettor, it is one-fourth of 'dire'-fine and compensation.

If it was for unnecessary profit, *he pays* three-fourths of sick-maintenance until death, when there is no abettor,<sup>a</sup> and one-fourth and one-eighth when there is an abettor;<sup>b</sup> the three-fourths of compensation after death *when without an abettor*, and if there be an abettor, it is one-fourth and one-eighth *he pays*.

If a youth at the age of paying compensation brings the horse to the pit designedly, *he pays* full sick-maintenance until death when there is no abettor, and half sick-mainten-

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— comցում, օսւր մա տա comցում, ւր Լե՛ժ օտիւր; օսւր աւճիւն  
comլան ւար մօր, զոն comցում, օսւր մա տա comցում, ւր  
Լե՛ժ աւիցոն.

Մար տը քրօ, տօրօ զօտիւրօ օտիւրօ զօ Բար, զոն  
comցում, օսւր մա տա comցում, ւր զօտիւրօ օսւր օճոմօ;  
նա տօրօ զօտիւրօ աւիցոն ւար մօր զոն comցում, օսւր  
մա տա comցում, ւր զօտիւրօ օսւր օճոմօ.

Մա տը ւոնօւճիւրօ տօրօ, ւր Լե՛ժ օտիւր զոն comցում,  
օսւր մա տա comցում, ւր զօտիւրօ օտիւրօ ո լօշ  
աւիցոն.

Յա ըօ զօ Բար.

.1. քիւմ զօտիւրօ տօրօ ւն զօտօւց ւրլան զօ զօ քրօ,  
օսւր տօրօն զօտիւրօն ւն զօ տօրօն մօրօր քօ, ո  
զօ աւօտօրօ, մօր քօն ա ըճոն[ճ]; օսւր մա ըօ Բար  
քօն, ւր Լե՛ժ աւիցոն ւն զօ քրօն, օսւր աւիցոն  
comլան ւն տօրօն.

.1. րլան զօ նա ըօն ւն զօն, ւն զօն զօն օսւր, ա  
քիւմ մօրօն ւն ա զօն օսւր առլ, աճ զօն զօն  
ւն զօն օսւր, օսւր զօն զօն, ւր մօն, ո զօն զօն  
օն.

Ո զօ Բար զօն.

Տլան զօ նա ըօն ւն զօն զօն զօն ա զօն զօն զօն  
քիւմ զօն տօրօ.

Մար զօ զօն զօն աւ, րլան զօն օսւր  
օտօն, օսւր զօն օ Լե՛ժ զօն զօն զօն.

Մար զօ քրօ, ւր Լե՛ժ զօն, զօ զօն զօն զօն.

Մար զօ քիւմ զօն աւ, ւր զօն զօն զօն  
օն զօն զօն.



ance if there be an abettor; and full compensation after death, when there is no abettor, and if there be an abettor it is half compensation *he pays*. THE BOOK  
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—

If it was in idle play, *he pays* three-fourths of sick-maintenance until death, when there is no abettor, and one-fourth and one-eighth *of it*, if there be an abettor; the three-fourths of compensation after death, when there is no abettor, and one-fourth and one-eighth, if there be an abettor.

If it was for unnecessary profit, *he pays* half sick-maintenance when there is no abettor, and one-fourth of sick-maintenance or half compensation, if there be an abettor.

The exemption of animals respecting snatched food.

That is, the sensible adult in his lawful necessary riding is exempt *from fines* for *injury* to idlers, but pays one-third of compensation for *injury* to profitable workers, if he did not see them, or though he did see them, if there was no *power* of avoiding them; but if they could have been avoided, he pays half compensation for *injury* to idlers, and full compensation for *injury* to profitable workers.

That is, the animals are exempt *from liability* for the food which they eat in snatches, *viz.*, three bites on either side of the way, but so as they eat not much more, and should they do so eat, it (*the fine for it*) is a sack of corn, or a fine for man-trespass.

Or, the exemption as regards animals throwing up clods.

That is, the animals are exempt *from fine* on account of the clods which they throw up with their hoofs when ridden on necessary profitable business.

If they are *ridden* through unavoidable necessity, they are exempt *from fine* for *injury* to idlers and unprofitable workers, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

If *they are ridden* for idle play, there is half fine whether they have seen or not seen *the parties injured*.

If it is for unnecessary trespass they are *ridden*, it is full fine whether they have seen or not seen *the parties injured*.

## Leban Aicle.

la tene tellach no aichine.

.1. plan don ti artar in teine a tellach in tiġe ċall, no aichine a tellach na haċa amuiċ, o tair a ruioiugato ocur a ġniumugato, ocur o na bia fir poperato aicbeile na hetall-air; ir dena viraċ, ocur plan a leċ fir na huilib.

Ma to pala rogail acon truiouugato no co ġniumugato, plainti erbaiġ ocur etarbaiġ ann; ocur plainti na haċa co na comobair, ocur plainti na tri narbann; ocur ir cetpato co mbeiċ trian naitġina irin arbar uil ar lap, mana rabar a paill pichnama uime.

Ma ta fir poperato aicbeile ocur etallair, ir aħuul inderċbire torba im leċ aichġin i nerpach ocur i netarbach; aichġin a torba ocur a robu, ocur aichġin na aħa cona comobair .i. puaab, puche, ocur ruyta; ocur aichġin na tri narbano.

Cetheora compiaħaiġ aichreġtar a naitħ .i. fir pcol-taroċi in conbair, ocur fir ataro na teneo, ocur fir cruadaiġċi, ocur fir tairbera in conbair. Ocur comaro he buo fear laime im ic naitġina fir ataro na teineo; no comaro he fir in cruadaiġċi, ma ta combroptugato air.

ħla carbat aenach.

.1. plan don ti beirer in carbat irin aenac. Ġlan to co bryrter in carbat irin naenach, acċ narab tre borblachar; ocur maħ eo on, ir fiaħ po aicneo a paċa air. Ocur plan ġfir in carbait co roglaio in carbat ruyum, acċ

The exemption as regards fire on the hearth or as regards a coal.

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That is, the person is exempt *from liability* who rakes together the fire on the hearth of the house within, or a coal on the hearth of the kiln outside, when it has been set and put in operation, and when there is no knowledge of excess, danger, or defect; it is a lawful work, and there is exemption *from fines* in all respects.

If a trespass should occur at the setting of it or at the putting of it in operation, there is exemption *from fine* for *injury* to idlers or profitable workers in it (*the case*); and there is exemption as regards the kiln and its appurtenances, and exemption as regards the three kinds of corn; but it is the opinion of *lawyers* that there would be one-third of compensation as regards corn which is on the floor, unless it were for negligence in minding it.

If there be knowledge of excess, danger, or defect, it is like a *case of unnecessary profit* with respect to half compensation for *injuries* to idlers or unprofitable workers; compensation for *injury* to profitable workers and animals, and for *injuring the kiln*, compensation for the kiln with its appurtenances, viz., broom, hide, and flail; and there is compensation for the three kinds of corn.

There are four recognised as jointly liable in a kiln, viz., the man who cleaves the fire-wood, and the man who kindles the fire, and the man who dries the corn, and the man who puts on the fire-wood. And the man who kindles the fire is he who actually *in the first instance* is liable<sup>a</sup> for paying the compensation; or it may be the man who dries the corn, if he has been urged on.

<sup>a</sup> Ir. Hand-  
man.

The exemption as regards a chariot in a fair.

That is, the person who brings the chariot into the fair is exempt *from liability* for any *injury* done to it at the fair. He is exempt even though the chariot be broken at the fair, provided it was not *broken* through furious driving; but if it was, he shall be fined according to the nature of the case. And should the chariot injure any one, the owner of the chariot is exempt *from liability* if he were not aware

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**bla coipe combpach.**

.1. plan don coipe in combpachal do ni, o bur cobpachal biao ocur tene ocur coipe; ocur o na biao pir popteapio, aicbeile, na hetallair; ir dentu oirach, ocur plan a let pir na huilb.

**Acht arpocra per poichlir ael a coipe**

.1. acf co noepna uppocra; uppoichlir, ar pe, ac peo in tael ir in cairi. O do gena oligeo nupreapir, plainci eppaio ocur etapbair ann; ocur tiactain o let oipe co trian naictina.

**bla dam damgal, ocur imidecht, ocur imairgnechur, ocur apachar.**

**Bla dam, 7rl.** .1. bla na noam inano ir bla naictel, ocur plan doib [an] do cuipenn po coraib o bair gne tapce popta. .1. plan do na damab in gal do nias poptum. Ocur imidecht, .1. cio ar imidecht beio. Ocur imairgnechur, .1. in tamairgnechur uair do nias imaid ar in nachao. Ocur apachar, .1. cio pon apachar beio, uair peiom nach apachar a subramar romaino.

.1. plan do na damab cach uile ni uile rapa rapgeba in coonacliao ina cept imain, ocur ina luac imain ocur ar a ningeilt po peomum, acf napaib tre biabinclio puacht-naict; ocur maro eo on, acf mara ceipt imain, no mara ingeilt, lan riach irin torbacl ocur plainci i neibacl.

[in torbacl no] in teibacl po inoiracl ann; ocur damaro air po inoiracltea, po biao lan riach irin torbacl, ocur let riach irin eibacl.

**Maro luac imain, no mara peiom, leitriach irin torbacl ocur plainci i neibacl; ocur mepact a peoma no a luac**



of its being unsound, or defective, or dangerous ; but if he were, he shall be fined according to the nature of the case.

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The exemption as regards a cauldron in boiling.

That is, the cauldron is exempt in its boiling, when the food, the fire, and the cauldron are properly arranged ; and when there is no knowledge of excess, danger, or defect ; it is a lawful work, and there is exemption *from fines* in all respects.

But that the attendant gives notice of *his putting* the fork into the cauldron.

That is, but so as he (*the attendant*) warns : " take care," says he, " here goes the fork into the cauldron." When he has given this legal *warning of removal*, he is exempt *from fine* for *injury to idlers* and unprofitable workers ; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation for *injury to profitable workers*.

The exemption as regards oxen *in working*, and *in being driven*, and *in grazing*, and *in ploughing*.

The exemption as regards oxen, &c., i.e. the exemption *in the case of the oxen* is the same as the exemption *in the case of the new-milch cows*, and they are exempt as regards what they trample under their feet when they are in any way led out, i.e. the oxen are exempt *from fine* for the act, i.e. *the injury* they commit during their work. *In being driven*, i.e. when they are going to and from their work. And *in grazing*, i.e. in their noble grazing abroad in the field. And *in ploughing*, i.e. while they are at the plough, for the work we mentioned above was not ploughing.

That is, the oxen are exempt as regards everything over which a sensible adult conducts them in proper driving, or quick driving, and in their grazing while engaged at work, provided it be not through wickedness they did the damage ; and if it be, provided it be *in proper driving*, or if it be *in grazing*, *there is full fine for injury to the profitable worker* and exemption as regards the idler.

*It was the profitable worker or the idler that made the attack in this case ; and if the attack had been made upon him, the profitable worker would be entitled to full fine, and the idler to half fine.*

*If the injury was inflicted in quick driving, or if it be at their work, there is half fine for injury to the profitable worker and exemption as regards the idler ; and the excite-*

**THE BOOK OF ARILL.** Իմաւո զո իւրոյն ին Լեւե աւե ԾԻԲ. [Ին տօրԲաճ ոյ] ին տօրԲաճ ոյ ինտրաճ անո ին; օսյ ծամաճ աւ ոյ ինտրաճ-ժեա, ոյ. Բաճ Լեճ իաճ իւն տօրԲաճ, օսյ շեհրաւմե իւն ներԲաճ.

Ա մ[Բ]եճ ար ա շնարաւ, իւն ԾԻԲ ին տօրԲաճ ոյ ինտրաճ շուս օ հօր արիւ, շե Բեճ իւճաճիճ շն օ Բե, օսյ ին տօրԲաճ օ իւճաճիճ իւճար արիւ; շեհրաւմե աւս իւն ներԲաճ [ժո Լեւաճար աւաճ], շն իւճաճիճ, իւճար արիւ, ոյ իւն տօրԲաճ օ իւճաճիճ 1 արիւ; Լեճ իաճ իւն տօրԲաճ ան իւճաճիճ ար 1 արիւ, ար ա իւճար արիւ. Ին օրօտ Բեր իւրաճ ա իւրաճ օրօտ իւն; օսյ օ իւճար ԾԻԲ, իւ Լան իաճ իւն տօրԲաճ, օսյ Լեճ իաճ իւն ներԲաճ.

Իմա, շե իւա աւսարմ, իւնտրա արԲաճ օսյ արԲաճ ժո նա իւրաւմաւն արԲաճ Բոււն, օսյ, արԲեճ օ Լեճ ԾԻԲ օ տրաւ նաւհիւն.

Տլան ժո նա իւրաւմաւն ան իւրաւ ժո շնարա իւն նա ծամաւ ան տարԲաճ ա իւրաճ օսյ ա իւրաւմաւն արԲաճ, ան նարաւ տրե ԲորԲաճար, օսյ մաճ ար օն, իւ իաճ իւն արԲաճ.

Տլան ժո նա ծամաւ ան իւրաւ ժո շնարա իւն իւրաւմաւն, ան նարաւ տրե Բիւնիճ, օսյ մաճ ար օն, իւ Լեճ իաճ իւն Բիւնիճ օրօտ, օսյ իւրաճ ա իւրաճ օ իւրոյն ին Լեւե աւե ԾԻԲ.

Մա ժա ծամ Բիւնիճար իւն նարաճար, օսյ աւա իւն Բունար ար արԲաճ, օսյ աւա իւն արԲաճ, իւ իւրաւաւ ա անար ԾԻԲ ժո իւն.

Մանա իւն ար արԲաճ իւն, օսյ աւա ա իւն արԲաճ, ին նեօճ ժո իւրաւաւ իւն ԾԻԲ արԲաճ Բունար; ին նեօճ ժո իւրաւաւ իւն օսյ նեւարԲաճար ԾԻԲ ժո Լեճ արԲաճար.

<sup>1</sup> *If they are gone from.—That is, if they are left by those who should take care of them.*

ment of their work or of the quick driving takes the other half off them. *It was* the profitable worker or the idler *that* made the attack in this case; and if the attack had been made upon him, the profitable worker would be entitled to half fine, and the idler to one-fourth.

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As to starting from their halts, they are exempt *from fine* for *injury* to the idler who advanced upon them to the border of the field, whether they be provoked or not, and the idler who provoked them outside the border; there is one-fourth *fine* from them for *injury* to the idler whom they follow outside the border, and who does not provoke,<sup>a</sup> or for *injury* to the profitable worker who provokes<sup>b</sup> within the border; *there is* half fine for *injuring* the profitable worker who does not provoke<sup>a</sup> whether within or without the border. This is while the excitement of their work is upon them; and when it has gone off them, there is full fine for *injuring* the profitable worker, and half fine for *injuring* the idler.

<sup>a</sup> Ir. *Without*  
*provocation.*  
<sup>b</sup> Ir. *With*  
*provocation.*

So, too, if they (*the oxen*) are gone from,<sup>1</sup> they are exempt *from fine* for *injury* to idlers and unprofitable workers *who may be* among the ploughmen themselves, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation *in the case of profitable workers*.

The ploughmen are exempt as regards such injuries as they may do to the oxen in getting their work and their full service from them, if it be not *done* with violence, and if it be, there is a fine according to the nature of the case.

The oxen are exempt as regards such injuries as they do to the ploughmen, but so as they be not *done* through wickedness, and if so, there is half fine upon them (*the oxen*) for their wickedness, and the excitement of their work takes the other half off them.

If there be a wicked ox in the ploughing, and its owner is present, and knows of it, he pays the full amount for its offences.

If he be not present, and yet knows of it, the owner pays the amount which his being aware of it adds to the fine; and the ploughmen pay that which the fact of having seen and not removed (*the ox*) adds to it.

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Μα τα ἀέτωγαῖ ἀνιῶσι αἰρ ἐτυρρυ, ῥλαν βοιβρυμ in ταρ  
ῖν το θενυμ, σε βεῖ ῥῖρ ῥοινοῖ no ἀμνηρε, ἀέτ na θερηατ  
ιμαρεπαῖο ταιρι; οεϋρ ῥα ηθερηατ, ῖρ εῖοι ρεοῖτ ἀνο, ριαῖ  
πορεπαῖο ροιμελτα ρορ οῖν, οεϋρ αἰτηγῖν na ιμαρεπαῖο ῥο  
εαῖ θυῖνε ῥαῖα ῥαῖν ῖρῖν ἀραθαῖ; no, comaro aen εῖοι  
ρεοῖτ τοῖβ υἱε, οεϋρ comῖοινοῖτ εταρρυ he ρο comαιρῖο no  
πο λειῖταιρθε.

Μανη ρυἱλ ἀέτωγαῖ ἀνιῶσι αἰρ εταρρυ γῖτ, ῥλαν βοιβ-  
ρυμ in ῖνοῖν το θυαῖν ἀρτυ, ἀέτ na ῥοῖβ ῥῖρ ῥοινοῖ no  
ἀμνηρε, οεϋρ μα τα, ῖρ ριαῖ ρον ρατῖ.

Μα ρο γαβαῖ in ῥαῖν λα naρ bo λειρ, ῖρ εῖοι ρεοῖτ ἀνο,  
ριαῖ ροιμῖοι.

Μα ἔυαῖ in ῥαῖν in ῖναῖ ῖρ αἰρῖ na ῖναῖ θυοειν, ῖρ  
ριαῖ πορεπαῖο ροιμελτα ρορ οῖν ἀνο. Οεϋρ εῖο aen θυῖνε  
εῖραῖ ταιρμερε in naραθαῖρ, comaro εῖο θυῖ αἱλ αἰτηγῖν  
in λαε υἱε υαῖ, noco ρυἱλ υαῖ ἀέτ αἰτηγῖν α εῖοτα θυοειν.  
No, ῥono, comaro aen ρο βειῖ αἰτηγῖν α εῖοτα θυοειν υαῖ in  
ταν ῖρ ρε τοῖβῖοιρ ρο τοῖρῖοιρ ιατ, οεϋρ μαῖα in τοῖβῖ-  
οῖρ, ῖρ αἰτηγῖν in λαε υἱε υαῖ.

In θυῖνε ταιρῖο εῖοι cu ρῖρῖαῖγῖο co coῖν no co mῖρῖο  
ῖνο, acht muna caemnacaiρ α ρῖρῖαῖγῖο το τοῖβῖρ υαῖ, co  
ταιρμερε ῖνοῖρῖο no can ταιρμερε ῖνοῖρῖο, amaἱλ  
τορβαῖ cen ρῖρῖαῖξε he, ι leῖ ρῖρῖο θυοειν, οεϋρ amaἱλ το  
neῖ εῖγῖο τοῖβῖοιρ τορβα ι leῖ ρε nech αἱε.

Μανα caemnacaiρ α τοῖβῖρ υαῖ cen τοῖρμερε ῖνοῖρῖο,  
οεϋρ cunῖοβαῖ aen ῖρῖν, amaἱλ τορβαῖ co ρῖρῖαῖγῖο he ι leῖ  
ῖρῖο θυοειν, aḥaἱλ το neῖ εῖγῖο in τοῖβῖοιρ τορβα ι leῖ  
ρε nech αἱε.

<sup>1</sup> Compensation for his own share.—This would seem to mean compensation for the portion of the ploughing which his taking away his ox or oxen prevented being performed on the day in question.



If there be a particular stipulation respecting it between them, they are exempt *from liability* in doing the stipulated ploughing, though aware of weakness or want of strength *of the oxen*, provided they did not do much beyond it; and if they did, there shall be *paid for such excessive work* five 'seds' (the fine for over using a loan), and compensation for the excess to every person having an ox in the ploughing; or, *according to others*, it might be five 'seds' only for them all, and they divide it (*the fine*) between them equally or unequally.

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If there be no particular stipulation respecting it (*the ploughing*) between them, &c., they (*the ploughers*) are exempt from liability for getting the work out of them (*the oxen*), provided they were not aware of any weakness or want of strength *on their part*, and if they were, there shall be a fine according to the nature of the case.

If an ox be yoked on a day out of his turn, there is a fine of five 'seds,' (the fine for use), for it.

If an ox be put in a position of greater pressure<sup>a</sup> than the stipulated position<sup>b</sup> there is a fine for over-using a loan for it. And if a person should come to prevent the ploughing, though compensation for the whole day should be sought from him, there shall be *recovered* from him but compensation for his own share;<sup>1</sup> or, indeed, *according to some*, compensation for his own share is *recoverable* from him when it was out of necessity he prevented them (*the ploughers*), but if it was not out of necessity, he pays compensation for the whole day.

<sup>a</sup> Ir. *Higher.*  
<sup>b</sup> Ir. *His own.*

As to the person who came to them with a dog or a white sheet for the purpose of provoking *the oxen*, if his provocation could not be got rid of by preventing the work or without preventing the work, he is *considered* in respect to himself, as a profitable worker without provocation, and as respects another person *whom he may have injured in his attempt*, as one who raised a shout for necessary profit.

If he could not be got rid of without preventing the work, and then could *have been got rid of*, as respects himself, he is as a profitable worker with provocation, and as respects another person *whom he may have injured*, as one who raised a shout for unnecessary profit.

## Lebari Aicle.

THE BOOK OF AICIL.      Mað conieraw a ppiðaiðið do diður uaw cen tairmerc  
—      gnomiaw, amail erbað cu ppiðaiðið he i leð pur buðein,  
ocur amail do neich eigeam earba i leð pe nech aile.

ðia cuithech rliab no ðirainð.

ðia cuithech rliab. i. rlan ðon ti do ni in cuitis ir in rleib. No  
ðirainð, .i. in aubairaw na caille. Cuithech .i. cuðair teðta  
rri, ocu rlan hi i rleib no ðirainð, o biar ercaw cen co rið, imne.

Earcaw na cuitiði do rið ocu do ðuati. Earcaw  
in bepa airiðil ðar nae norba. Earcaw in con cu tpað  
ocu co nercaw riao luðt aen lip ocu aen baili, ocu cu  
teopa raið. poraw a ðeir iri ninað aile.

Earcaw in con rðaið, ocu inn aiði mri, do na ceitri  
comatitib ata nera.

Earcaw in ppið tpe do na reðt ninaðaið ðeir ðliðet;  
—co rið, co airiðeð, co briuðaið, co breithemaw, co  
ppim gðaw, co muilew tuati, riao luðt aen lip ocu  
aen bail.

Earcaw in ppið raiðrið tar na teopa cpiða ata nera  
to mri, ocu do loingrechaib mara in cethramaw cpih.

In cu conraið; nocu namuil tarba a hercaw no co  
nðentar a marbað, ocu ce marðtar, muna loirceð, ocu  
ce loirceð, mana cuirceð a luati pe rpuh.

ðia moga ðiað impæbup, por lap rið tpeibe, no pøt  
impedna.

.i. rlan ðon mogaw ma beir imepæbup ac a beil, por lap  
tpeibi in rið. O ða airgeba in gnomuðað ocu in riðuðað,

<sup>1</sup> *The set-spear.*—This may have been a sort of deer-trap.

<sup>2</sup> *The hound entitled to time and notice.*—For rules as to hounds "with time and notice," and hounds "without time and notice," &c., vide C. 2502, *et seq.*

If his provocation could have been got rid of without pre-  
venting the work, he is regarded as an idler who provokes,  
as respects himself, and, as respects another person *whom he*  
*may have injured*, as one who raised a shout of idleness.

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The exemption as regards a pit-fall in a mountain or wood.

The exemption as regards a pit-fall in a mountain, i.e. the person who makes the pit-fall in the mountain is exempt. Or a wood, i.e. in the great circuit of a wood. A pit-fall, i.e. it is a lawful pit-fall; and it is safe to have it in a mountain or a wood, whether there be notice of it or not.

Notice of the pit-fall *should be sent* to the king and to the community. Notice of the set-spear<sup>1</sup> *should be sent* over nine holdings. Notice of the hound entitled to<sup>a</sup> time and notice<sup>2</sup> *should be given* in presence of the people of one 'lis'-fort and one village, and to thrice the distance of watching mentioned in the other place. Notice of the hound in heat, and of the mad cow, *should be sent* to the four nearest neighbourhoods.

• Ir. With.

Notice of a waif of the land *should be sent* to the seven quarters which the law specifies:—to a king, to an 'airchinnech'-dignitary, to a 'briughaidh'-farmer, to a brehon, to a chief-smith, to the mill of the territory, and in presence of the people of one 'lis'-fort and one village.

Notice of a waif of the sea *should be sent* over the three territories nearest to the sea, and to the shipmen of the sea in the fourth territory.

As to the mad dog:—there is no benefit in proclaiming it (*the dog*) unless it be killed, nor though it be killed, unless it be burned, nor though it be burned, unless its ashes have been cast into a stream.

The exemption of a servant, in respect of the edge of an axe, on the floor of a king's house, or on a road of carriage.

That is, the servant is exempt *from fine* for *injury done* by the edge of an axe which he wields around him, at his work, upon the floor of a king's house. When he has finished

THE BOOK OF AICILL. **ocur o na bia fir forcpaib na haicbeile na hetollair, ir dentā viraib.**

In aipet beithen acon gnimugaib ocur acon ruioiugaib, flainti ephaiḡ ocur etarbaiḡ ann co nōenom a vliḡeib; trian naitḡina a naep comḡnompair, in caḡ torbaḡ, ocur in caḡ rob; ocur tairdeḡt o leḡ vire co haitḡin.

Mar ar a laim do ḡuair, ir a beḡ amail ata, bla moḡa moḡaine, .i. mar da cino do ḡuair, ir a beḡ amail ata, bla orḡ innooin.

Marā rliu, ir a beḡ amail ata, bla rliḡen rairi.

Marā mairleo, ir a beḡ amail ata, bla cpann cutaim.

No rot impeona .i. no in rot iairā nōenann a eimpeḡain iar cae, iar conair.

In nairto beithen acon gnimugaib, ocur acon ruioiugaib, flainti ephaiḡ ocur etarbaiḡ ann co nōenum a vliḡeib; trian naitḡina i naep comḡnompair, in caḡ torbaḡ, ocur in caḡ rob; ocur tairdeḡt o leḡ vire co trian naitḡina.

Bla cumail lea ocur lorat.

.i. flān don cumail dair a lea ocur a lorat do ḡur pici, fir ocur ruar, in nairto beithen acon gnimugaib ocur acon ruioiugaib fir ocur rruar. Slainti ephaiḡ ocur etarbaiḡ ann co nōenum a vliḡeib. trian naitḡina a naep comḡnompair, in caḡ torbaḡ, ocur in caḡ rob; ocur tairdeḡt o leḡ vire co aithḡin.

O da airḡeba in gnimugaib ocur in ruioiugaib tuar, ocur o na bia fir forcpair, na haicbeile, na etallair, ir cenmannā do riasail a leḡ rīa, no ir dentā viraith.



his work and the arrangement, and when he has no know-  
ledge of excess, danger, or defect, it is a lawful work.

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As long as he is at the work and at the arrangement he is exempt *from fine* for *injury* to idlers and unprofitable workers when he acts legally; *he pays* one-third of compensation for *injury* to fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to compensation.

If it (*the axe*) slipped out of his hand *and injured any one*, it is to be *ruled* as is "the exemption of a servant in his service," i.e. if it was its head that flew off<sup>a</sup>, it is to be *ruled* as is "the exemption of sledge and anvil."

<sup>a</sup> Ir. *If it went off its head.*

If it were chips *that did the injury*, it is to be *ruled* as is "the exemption of chips in carpentry."

If it were the block *that did the injury*, it is to be *ruled* as is "the exemption of a tree in its fall."

Or a road of carriage, i.e. or the road upon which he performs his carrying, *using it as a way, a passage.*

As long as he is at the work and at the arrangement, he is exempt *as regards fine* for *injury* to idlers and unprofitable workers, when he acts legally; *he pays* one-third of compensation for *injury* to fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

The exemption of a bondmaid respecting the flag and kneading trough.

That is, the 'daer'-bondmaid is exempt *from liability* in putting her *baking* flag and her kneading trough by her, up and down, as long as she is at the work and at the arrangement down and up. She is exempt *from fines* for *injury* to idlers and unprofitable workers, when she is acting legally, *but pays* one-third of compensation for *injury* to fellow-labourers, profitable workers, and animals; and it (*the fine*) is reduced from half 'dire'-fine to compensation.

When she has finished the work and the arrangement of the *baking utensils*, and when there is no knowledge of excess, danger or defect, "slippings" is the rule in this case, or it is a lawful work.

## Lebap Aicle.

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ANAL.

Ocyr aiceo pognuma olcena.

.1. In ní yr uca toḡairi le bȳ aici acon pognum uile cena,  
in cȳaathar; yr amlairi rin biar.

**bla** iapachta dȳpoicheda; tairiri oglan.

**bla** iapachta .i. rlan don ti beirur in tiapact da tic a dȳpoicheda.  
**Tairiri** oglan .i. yr do yr ogrlan he, don tairiri, don rin pine cen  
ponaom a tairic, can rin dȳpoicheda, aet dȳpoicheda de da tairactain,  
**irlan**. Ma ta ponaom a tairic, yr leet aithgin.

Oin dȳrin anpine cen ponaom a tairic, can rin dȳpoicheda,  
aet dȳpoicheda de da tairactain, yr leet aithgin; ma ta  
ponaom a tairic, yr aithgin.

Al da nanrin dȳpoicheda cu ngabail tȳebairi, yr aithgin;  
munar gab tȳebairi, irlan.

Marā rin ac in ti o pucato, ocyr anrin ac in ti pucurtar,  
ce po gab tȳebairi, cen cor gab, irlan.

Marā rin ac in ti pucurtar, ocyr anrin ac in ti o pucato,  
yr aithgin.

Al da rin daingne arāen im in naithne, cu ngabail tȳea-  
bairi, irlan; mun po gab tȳebairi, yr leet aithgin. Al da  
nanrin etaingne imarāen, ce po gab tȳebairi cen cor gab,  
yr aithgin ar a met pob faille do can a toḡ do tȳrtuḡaḡ.

Cio podoera i bail ata rin daingne no etdaingne arāen  
im in naithne cu ngabail tȳebairi, conato rlan; ocyr a bail

And her *other* working utensils in general.

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That is, the thing which she chooses to have with her at her work generally, the sieve, *for instance*; it (*the case*) shall be similarly *ruled*.

The exemption as regards a loan destroyed; the beloved man is completely exempt.

The exemption as regards a loan, that is, the person who takes a loan is exempt should it be overtaken by great disease. The beloved man is completely exempt, i.e. the person to whom there is entire exemption is the beloved man, the man of the family who is not bound to restore it (*the loan*), who has no knowledge of any great disease except the visitation of God overtaking it, he is exempt. If he be bound to restore it, it is *a case of* half compensation.

A loan to a man not of the family, who is not bound to restore it, who has no knowledge of great disease, except the visitation of God overtaking it, is *a case of* half compensation; if he be bound to restore it, it is *a case of* full compensation.

The ignorance of great disease *on the part of* both with taking of security, is *a case of* compensation; if he (*the lender*) did not take security, he (*the borrower*) is exempt.

If the person from whom it was taken had knowledge of disease, and the person who took it was ignorant, whether he (*the lender*) has taken security or not he (*the borrower*) is exempt.

If the person who has taken *the loan* had knowledge, and the person from whom it was taken was ignorant, it is *a case of* compensation.

If both have knowledge together of the safety of the place in which the charge was put, with respect to the charge, and if security was taken,<sup>a</sup> he (*the borrower*) is exempt; <sup>\* Ir. With taking of security.</sup> if he (*the borrower*) did not take security, it is *a case of* half compensation. If both are equally ignorant together of the place being unsafe, whether he has taken security or not, it is *a case of* compensation for his great neglect in not testing *the firmness* of his house.

What is the reason that when they have both knowledge of the place being safe, or unsafe with respect to the charge, and security has been taken,<sup>a</sup> it is *a case of* exemption; and

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that when they have both knowledge equally of great disease with respect to the loan, then compensation is paid for it?

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The reason is : the man with whom the charge was left is he who takes security for exemption as regards the charge, and it is right that he should be exempt ; as to the person from whom the loan is obtained, it is he who takes security for the repayment of his loan to him, and it is right that compensation should be paid to him.

The exemption as regards arms in battle.

That is, the person who brings a weapon to a noble conflict is exempt ; this is *concerning* his own weapon and raiment, or the weapon and raiment of another *taken* with his consent ; and as he himself would be lawful spoil wholly, *in the former case*, or would be lawful spoil as far as reaching half, so *in the latter case*, half his weapon and raiment are lawful spoil.

If it be the weapon and raiment of another *a person takes* by force in his presence, or without his knowledge in his absence ; and if the weapon or the raiment remain with the man who took them,<sup>a</sup> the weapon or the raiment is to be restored to the owner ; and a fine for use is to be paid by the family of the man who is killed to the owner of the weapon or raiment ; a weapon and raiment of the same nature *are to be given* by the family of the man who was killed to the man who killed him,<sup>b</sup> as he has a right to a weapon or raiment.

<sup>a</sup> Ir. *The man with-  
out.*

<sup>b</sup> Ir. *The man with-  
out.*

If the weapon and raiment do not remain with the man who killed him,<sup>b</sup> a weapon and raiment of the same nature *are to be given* by the family of the man who was killed *to the man who owned the weapon and raiment*, and a fine for use *is to be paid* by the owner of the weapon or raiment.

If a man who kills another<sup>b</sup> knows that the weapon and raiment are not his lawful spoil, *and yet takes them*, he shall be *regarded* as a fully unlawful middle-theft man ; if he knew it not, he shall be *regarded* as a fully lawful middle-theft man, and is exempt, provided he does not put them on, but if he has put them on, he shall restore them, with full fines for theft.

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Ma conainaic in marbair can in tairm no can in tairach  
do lot, ir leé riach cach aithir; muna caemnacair ioir, ir  
ceithramta cach aithir.

Dia muilinn bleith.

.1. Denta viraí a ceirceinnm cen fir etallair; inano  
ocur bla in uirion ceirceinnm amach. Al fir a tairm, rair  
ocur fer bleith ocur fer muilinn, ir a ic do fir muilinn.

O bair fir ac rair muilinn, cio be oca mbe maille fir,  
ir e fer muilinn iur, aét in no tormaiger aicre ocur nem-  
aicre for fer bleith. Fir rair mairm, ocur fir bleith, ir  
e fer bleith iur, ocur noca nicann rair muilinn.

Slan don ti do ní in mbleith ir in muilenn, .i. denta  
viraí ceirceinnm in muilinn.

Cio fodeira co na denta viraith ceirceinnm in muilinn  
rann, ocur co naéa eó ceirceinnm in uirion tair? Ir e raé  
fodeira; mo ir denta viraí in no uil ac imluar an muilinn  
rann, in tair, ina in no uil ac imluar an uirion tair,  
lama na noaine.

Mar e in daira rceinnm cu fir etallair, leé aithgin i  
nerbaé ocur i netarbaé, aithgin i torbaé ocur i naer com-  
gnomraio, leé oir la aithgin i rupu cu rairin na rob,  
ocur mana rairio, ir aithgin.

Mar e in tair rceinnm co fir etollair, ceithraému oir  
la aithgin i torbach ocur i naer comgnomraio, lan oir  
la aithgin i rupu co rairin na rob, ocur mana rairio  
oir, ir leé oir la aithgin.

Mar e in ceithramar rceinnm co fir etallair, leé [oir]  
la aithgin i nerbaé ocur i netarbaé, lan oir la aithgin i  
torbaé ocur i naer comgnomraio, ocur po rair lan cen a i  
rupu.

If a man could have killed another<sup>a</sup> without injuring his weapon or raiment, *but injured them*, it (*the penalty*) is half-fine for every case of ignorance; if he could not have so killed him, it is one-fourth fine for every case of ignorance.

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<sup>a</sup>Ir. If the killing could have been done.

The exemption as regards a mill in grinding.

That is, the first slipping of the mill, if there is no knowledge of defect, is ruled as if it were a lawful work; from the first slipping forth, it is the same as "the exemption of the sledge." If the three persons concerned, viz., the mill-wright, the grinder, and the mill-owner were aware of a defect, the mill-owner has to pay for it.

If the mill-owner be aware of the defect, whoever of them (*the others*) might also have been aware of it, the mill-owner pays, except that which seeing or not seeing imposes in addition on the grinder. But if the mill-wright and the grinder were aware of it, it is the grinder who pays, and the mill-wright does not pay.

The person who grinds in the mill is exempt, i.e. the first slipping of the mill, is ruled as if it were a lawful action.

What is the reason that the first slipping of the mill is as if it were a lawful performance here, and that the first slipping of the sledge above is not so? The reason is: *the action of* that which works the mill, viz., the water, is more of the nature of a lawful performance, than *the action of* that which works the sledge above, viz., the hands of the men.

If it be the second slipping with knowledge of defect, there is half compensation for injuries to idlers and unprofitable workers, compensation for profitable workers, and fellow-labourers, half 'dire'-fine with compensation for animals if seen, and if not seen, compensation only.

If it be the third slipping with knowledge of defect, there is one-fourth 'dire'-fine with compensation for injury to profitable workers and fellow-labourers, full 'dire'-fine with compensation for injury to animals if the animals were seen, and if not seen, it is half 'dire'-fine with compensation.

If it be the fourth slipping with knowledge of defect, there is half 'dire'-fine with compensation for injuring idlers or unprofitable workers, full 'dire'-fine with compensation for injuring profitable workers and fellow-labourers, and there is full 'dire'-fine for injuring animals also.

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Մա լա քըր Բունարո ար արո, օսըր ալա րաք, օսըր ալա քըր  
Բլեւի, օսըր ալա քըր ալ քըր Բունարո, իր սւլատարո ա Էնարո  
սւլե տւե տըր Բունարո.

Մունա քսւլ քըր Բունարո ար արո տըր, ո՞ շե Բեւի, մունա  
քսւլ քըր ալա, օսըր ալա քըր ալ րաք, ին ռեօ՞՞ ծօ յօրմա՞՞՞ քըր  
տւե ծօ րաք, ին ռեօ՞՞ ծօ յօրմա՞՞՞ ալա օսըր յեմսըրալարո,  
ծօ Էոմի Էոմ Էտարն.

Ըրօ յօքըրա Էօ յոԷոնօ քըր Բլեւի Էնա ին մսւլոնօ յսոն,  
Էոն Էօր Զա՞՞ ծօ Լաւմ Բի՞՞ քօ Էնտաւ, օսըր Էօ յա իւԷոնն ին  
Սսւնե տար Էնա ին ռեւի, մանաք Զա՞՞ ծօ Լաւմ Բի՞՞ քօ  
Էնտաւ ? Իր Է քա՞՞ յօքըրա ; ծօ Զեոնօ ին տեւ տար ինօլի-  
Զե՞՞ Էոն Էօ Էլսարտեա Է, օսըր Էօր Էեմա՞՞ Էրլան ին Է յօ  
Զլսարտար Է, օ յա Զե՞՞ ծօ Լաւմ Բի՞՞ քօ Էնտաւ. Ին  
մսւլոնօ իմսըրօ, ոԷօ տոնԶեո ինօլիԶեո մունա Զլսարտեա  
Է, Էօր Է յօ Բեւի ա Էոն քօր ին Է յօ Զլսարտար Է.

Յա մսւլոնօ Բլեւ.

Տլան տըր ին մսւլոնօ Էրօ Բեօ Զա՞՞ ծօր ա ծօ քըր, Էրօ  
ալա Բեւի՞՞՞ Էրօ ալա ինԲեւի՞՞՞.

Տլան ծօն Էտ քեօնմ յա Բրօ քըր Էա՞՞ յալն ; ո՞ ծօնօ,  
Էօմա՞՞ Էրլան յա՞՞՞՞՞ ինա-Էտ քեօնմ ին Էա՞՞ յալն տւե ծօ  
Բլեւի, ալ ա՞՞՞՞՞ ալա ԷօմԶոմարա՞՞ ; օսըր ալ՞՞՞ յրոն Էոնարօ  
տանարտ ; օսըր Լե՞՞ քա՞՞ Լա ալ՞՞՞ յրոն Էրքըր քեօնմ ; օսըր  
Լան քա՞՞ Լա ալ՞՞՞ յրոն ԷտԷրա՞՞՞ քեօնմ. օսըր իր ա՞՞՞՞՞  
Էտ քեօնմ ծօ Զրքըր տա յօ՞՞՞՞՞՞ Էա՞՞ քե՞՞՞. օսըր մա՞՞ Է  
ին րաքըր քա՞՞՞՞՞ քօ՞՞՞, իր Է Էօր յա քա՞՞՞ յօ սւլե ;  
մա՞՞ յօ Էրքըր ին սր՞՞ իմսըրօ, օսըր ո՞ յօ՞՞՞՞՞ Բըր քօր,  
իր քըր ին մսւլոնն Էօր յա քա՞՞՞ յօ սւլե.



If the *mill-owner*, the *mill-wright*, and the *grinder* be present, and the *mill-owner* be aware of a defect, the *mill-owner* pays the whole amount of the damage that may occur.

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If the *mill-owner* be not present, or, though he be, if he be not aware of the defect, and if the *mill-wright* is aware of it, that which the fact of being aware of the defect adds to the fine is paid by the *mill-wright*, and that which seeing and not removing *beasts, &c.*, adds to it, they pay equally between them.

What is the reason that the *grinder* pays for the injuries caused by the mill in this case, although he did not undertake to be responsible for injuries, and that the man in the case above does not pay for the injuries done by the horse, unless he had undertaken to be responsible for such injuries? The reason is: the horse in the case above referred to would do an illegal thing, though it were not set in motion, and it is right that the person who set it in motion should be exempt when he did not undertake to be responsible for the injuries it may commit. As to the mill, however, inasmuch as it could not do anything illegal if it were not set in motion, it is right that the person who set it in motion should be responsible for it.

#### The exemption as regards a mill in grinding.

That is, the *mill-owner* is exempt from liability for injury to a person caught between the millstones,\* whether persons present there of necessity or without necessity.

\* Ir. The  
two mouths.

In the first slipping of the millstone, there is exemption as to every one injured; or else, indeed, it may be one-third of compensation in the case of the first slipping for injury to every one who comes to grind, and who is regarded as a fellow-labourer; and compensation for the second injury; and half-fine with compensation for the third slipping; and full fine with compensation for the fourth slipping. And it (the slipping) is always like a first slipping if it (the mill-stone) was fixed each time. And if an accident happens because the *mill-wright* left it (the stone) badly arranged, it is he that pays all these fines; if, however, it be the too great force of the water, and not the bad arrangement of it that caused the accident, it is the *mill-owner* that pays all these fines.

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Նա եժա լիլանո.

.1. իլան ծոն լի ծո ու ին ուժիլանո ին եժա, .1. օ տարցեճա ին ճոմսցաճ օսը ին իսուսցաճ, օսը օ յա Նա իր թոթարո, յո աճեիլե, յա հեռլլայ, օսը օ ծա ճոտար ին յոտեճա ծլցեճա լատ, յա շրսաճա, ա ծա տրան լի օսը ձոն տրան տար, իր ծոտա տրալի.

Մարա քսոնանո ծո թոճար ան, իր իշոմանո ծո իսցալ  
1 Լեժ իս, ու իս իսուսցաճ, օսը ծաճա իս իսուսցաճ,  
իր ա Նեժ անալ շո իշոմ.

Մա լա իր թոթարո, յո աճեիլե, յո եռլլայ, յո մարա  
ին յոտեճա ինծլցեճա իս իսճալ լատ .1. ա ծա տրան տար  
օսը ա տրան լի, Նեժոնճ ծո իսցալ 1 Լեժ իս ; ալիցոն ին  
շո շոնալ, Լեժ ծիթ Լա ալիցոն ին շոնալ տանալ, Լան  
ծիթ Լա ալիցոն իր ին լիթ շո.

Ին արթ Նեժար աճոն ճոմսցաճ օսը աճոն իսուսցաճ,  
իլանո թրճար օսը ետրճար ան շո յոնոմ ա ծլցիճ;  
տրան յալիցոն 1 յաթ շոմճոմար, ին շաճ լո[ր]ճաճ, օսը  
ին շաճ իս, օսը տարեժ օ Լեժ ծիթ շո տրան յալիցոն.

Նա շլամնալ շլ.

.1. իլան ծոն լի եամնար յա ճո շլի իննար, յո յա իսլա  
շլի իննար.

Մարա շլար յեամաճեիլե լատ, իր իսճ իսնլիլի ինոն  
1 Լալիլոն, օսը իսճ շո շլիլ ինոն ա իշտար Լալիլոն.

Մարա շլար աճեիլե լատ, իր իսճ շո շլիլ ինոն, շո  
ա Լալիլոն, շո ա իշտար Լալիլոն.

Իթո իր շլար աճեիլ յոն, շաճ շլար արա միա ինոն յո  
իսլար.

Իթո իր շլար յեամաճեիլ յոն, շաճ շլար ար յա իս ինոն  
նա իսլար.

The exemption as regards corn in a haggard.

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That is, the person is exempt *from liability* who makes up the corn in the haggard, i.e. when the work has been finished and the *requisite* arrangements made, and when there is no knowledge of excess, danger, or defect, and when they, *viz.*, the ricks, has been formed into legitimate structures, *in proportion* of two-thirds of them below and one-third above, it is lawful work.

Should a sheaf fall from it,<sup>a</sup> "slippings" is the rule in respect of it (*the sheaf*) if the arrangement be not different, but if the arrangement be different, it (*each new slipping*) is to be as a first slipping. Ir. *In it.*

If there be knowledge of excess, danger, or defect, or if they (*the ricks*) have been left *formed* into unlawful structures, i.e., two-thirds of them above and one-third below, wickedness is the rule in respect of them; *and there is paid* compensation for the first injury, half 'dire'-fine with compensation for the second injury, *and full* 'dire'-fine with compensation for the third injury.

As long as they (*the workmen*) are engaged at the work and the arrangement, and act legally, they are exempt *from fine* for *injuries* to idlers and unprofitable workers; *but there is* one-third of compensation for *injury* to fellow-labourers, profitable workers, and animals, and it (*the fine*) is reduced from half 'dire'-fine to one-third of compensation.

The exemption as regards a juggler and jugglery.

That is, the person is exempt who multiplies the juggling spears up, or the juggling balls up.

If they be not dangerous juggles, there is a fine of fair-play for *any injuries* from them within the place of *performance*, and a fine of foul-play for any outside of the place of *performance*.

If they be dangerous juggles, there is a fine of foul-play for *injuries* from them whether within or outside of the place of *performance*.

"Dangerous juggles" mean all juggles in which pointed or edged instruments<sup>b</sup> are *used*.

"Not dangerous juggles" mean all juggles in which neither pointed nor edged instruments<sup>b</sup> are *used*.

<sup>b</sup> Ir. *Point*  
*or edge.*

1ηρο ηρ Λαβήανδ αηδ, α ταιωη ημε ημααηηρ η βαηε η  
mb...

bla iapand aplech.

ὅλα ἐπαγγαίη ἐμῇ.

δια ταύτη την αἰ.

Μα τα coemactu αρταιῖ [zan α μαρβαθ], ιρ cu τριαν  
 nupain ; ιρlan ιατ βοθειν, ocup lan ριαῖ no λεῖ ριαῖ ιριν τι  
 no μαρβαθ ινα ριχετ.

Իր անո՞ստա լան բիւ՛ն քին տի ո՞ր մարմնա՞ն մա բիւ՛ն տան իր ա  
բիւ՛ն տն տի բու՛ն յա բոստ ո՞ր մարմնա՞ն հե. Իր անն՞ ստա ն լե՛  
բիւ՛ն տան իր ա բիւ՛ն տն տի ո՞ր քը՛ն շոտ ար շոք ո՞ր մարմն հե.

<sup>1</sup> *Or the dead persons.*—The MS. here has “no n<sup>o</sup> n<sup>o</sup>me.” Dr. O'Donovan lengthened out the last word as “oaine,” persons, so that the meaning would be, “or the dead persons.”



"Within the place" means that they (*the spears or bells*) fall round about him in the place where he is *performing*. THE BOOK  
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"Outside of the place" means that they pass out from him to a distance.

The exemption as regards iron in slaughtering.

That is, the person is exempt who brings the iron to cut up the beeves or the dead persons.<sup>1</sup> He is exempt, though he injures the iron, but so as he does not strike it against a stone or a tooth; and if he do, there is a fine according to the nature of the case.

The exemption as regards the interposer in wounding.

That is, the impartial person who interposes is exempt, if he injure the arms or raiment of *those* around him, without intending injury; or he is exempt in not allowing them to injure him if he has not power to separate them.

The exemption as regards a territory in three attacks.

That is, the occasions<sup>a</sup> of three attacks, *viz.*, an attack on <sup>a</sup> *Ir. Days.* account of horses, an attack on account of arms, and an attack on account of persons, are exempt to territories, i.e. persons in this case came into the territory for unlawful plunder, and were carrying off the 'seds' of the territory; and every injury done in stopping them, and in taking the 'seds' from them is justifiable. And the intention brought *by the parties* was to stop them, and *if* they could not be stopped without killing them, they may be killed, and there is exemption as regards everyone killed in mistake for them.<sup>b</sup>

<sup>b</sup> *Ir. In their  
person.*

If they could have been stopped without killing them, one-third of the excess of *one fine above the other is paid for killing them*; or it is safe to *kill* themselves, but there is full fine or half-fine for the person killed in mistake for *any* of them.<sup>b</sup>

The full fine lies for a person killed in mistake for *one* of them, when it was in mistake for the person who carried off 'seds' he was killed. The half-fine lies when a person is killed in mistake for<sup>b</sup> one who had inflicted a wound on the body.

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Ինծիեմ արտիժ ըստ զիս զիս, օսի մար  
ինծիեմ մարտի, զի զիս զիս զիս զիս զիս, զի  
օս զիս զիս զիս զիս զիս զիս զիս զիս զիս զիս  
օս զիս զիս զիս զիս զիս զիս զիս զիս զիս զիս

Ի զիս զիս զիս զիս զիս զիս զիս զիս զիս զիս  
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մարտի զիս զիս զիս զիս զիս զիս զիս զիս զիս  
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Մարտի զիս զիս զիս զիս զիս զիս զիս զիս զիս  
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ինծիեմ մարտի, զի զիս զիս զիս զիս զիս զիս

Մարտի զիս զիս զիս զիս զիս զիս զիս զիս զիս  
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ինծիեմ մարտի, զի զիս զիս զիս զիս զիս զիս  
մարտի զիս զիս զիս զիս զիս զիս զիս զիս զիս  
մարտի զիս զիս զիս զիս զիս զիս զիս զիս զիս

The intention brought to him in that case was to stop *them*, but if it were an intention to kill *them*, whether it was possible to stop *them* or not, it is to one-third of the excess of the one fine above the other the penalty shall extend; or there is exemption for *killing* themselves, and full fine payable for the man killed in mistake for them.<sup>a</sup>

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AICILL.  
—

<sup>a</sup> Ir. *In their  
shape or  
person.*

This is at the time of committing the trespass, and if it be not at the time of committing the trespass, whether it is an intention of killing or an intention of restraining that was brought to him, it is to one-third of excess the penalty shall extend. There is exemption for *killing* themselves, and there is full fine or half-fine payable for the person who was killed in mistake for them.<sup>a</sup>

This *was* in the territory within, and if it be beyond the territory outside, and if the 'seds' be forthcoming outside, as they would be exempt inside, so would they be outside, according to the nature of the intention that was carried thither, whether *it was* intention of killing or intention of restraining.

If the 'seds' be not forthcoming outside, let him give notice and fast; and let him distrain afterwards.

If trespass has been committed against a kinsman for the default of a debtor, and if he be a kinsman who is exempt from the liabilities of a kinsman, and if it be a life-wound that has been inflicted on him, or if it be 'seds' that have been taken from him, body-price for his life-wound, or 'dire'-fine for his 'seds' is to be paid him if he have not given provocation.<sup>b</sup> If he has been killed,<sup>c</sup> he (*the debtor*) is then exempt so far as one-third, for it is the family that would take his death body-price.

<sup>b</sup> Ir. *With-  
out provo-  
cation.*  
<sup>c</sup> Ir. *If it be  
killing.*

If he be a kinsman who is not exempt from the liabilities of a kinsman, whether it be a life-wound, or killing, or *taking away* of 'seds,' there is exemption as far as one-third.

The criminal is not present in this case, and there is no offer of law; or if the criminal be present, and there is offer of law, whether it be a life-wound, or killing, or *taking away* of 'seds,' whether it be a kinsman who is exempt from the liabilities of the kinsman or one who is not, it is full fine for the offence that shall be paid to the kinsman, if he have not given provocation.<sup>b</sup>

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OF  
ASAIL.

Յա բառառա ծառ.

.1. իլան ծո յա մոռնի ին զա՛ն ծառա ծո յառ, ա զառա  
օսը ա զիւրառ ծո ծոռառ ա յառառառ ա յըր լըրառ. իար  
նարառ օսը իար զըրառ յառ, օսը մար յը նարառ օսը  
յը զըրառ, ա յըրառ զա յառ ա յըրառառ. Ա՛նտ մար առ յառ  
առառառ յառ, իր յառ իռառառառ առառառառ. Մար առ յառ  
յըռա յը օսը, ա՛նտ մա յո յար յըռառ ծո օսը ծո, իր լան  
յառ յա յըռա յո յար ծո առ; օսը մարառ յար յըռառ  
ծո յար, իր յառ իմարառ, յո օսառ յառ յարառ.

Յա զառառ առառ.

.1. իլան ծո յա յառառ ին զառառ իր ին յառառ իար յա յառ-  
առ; օսը մարառ յառառ յար, իր յառառառ ծո յառառառ ի լը՛ն յար.  
Առառառ յա զը զառառ, լը՛ն յար լա առառառ յա զառառ զառ-  
առառ, լան յար լա առառառ յար զըր զառառ.

Յա ծըռառ ծառ.

.1. իլան ծո յա յարառ առ ծըռառ ծո յըռ յար ա յառ, յար ա  
նըռառառ; յո իլան ծո յա մոռնի առ ծըռառ ծո յըռ յար ա յառ,  
յար ա յըռ, ա՛նտ յա յար իմարառառ զարառ; օսը ծա յար, իր  
յառառառ ծո յառառառ ի լը՛ն յար. Առառառ յա զը զառառ, լը՛ն  
յար լա առառառ յա զառառ զառառառ, լան յար լա առառառ  
յար զըր զառառ. Տլանառ զըրառ օսը զարառառ ին զառ  
յըռառ ծո յըռառ յառ յառառ իմար.

<sup>1</sup> A fine for fighting in a green.—That is, a fine for fighting in a prohibited place, such as a green or sanctuary.



The exemption as regards women in a woman-battle.

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That is, the women are exempt as regards the woman-battle which they fight, raising their distaffs and their comb-bags, in the presence of their guardians. This is after notice and fasting, but if it be before notice and fasting, it is to be considered for what reason they did it. And if it was for the purpose of compelling the payment of debts, there is a fine of unlawful distress *for it*. If it was for the purpose of injuring the body, and if injury to the body resulted therefrom, full fine for the injury which has resulted therefrom is to be paid for it; but if injury has not resulted therefrom at all, it is a fine for intention, or it may be a fine for *fighting in a green*<sup>1</sup> that shall be paid for it.

The exemption as regards a stake in a fence.

That is, the person is exempt who sets up the stake in the fence after it has been trimmed;<sup>a</sup> but if it has not been trimmed,<sup>a</sup> wickedness is the rule respecting it. There is compensation for the first injury *it causes* half 'dire'-fine with compensation for the second injury, full 'dire'-fine with compensation for the third injury.

<sup>a</sup> Ir. Prepared.

The exemption as regards a brooch on the shoulder.

That is, the men are exempt *from liability*, if they have the brooch on their 'dae,' *i.e.* on their shoulder; or the women are exempt if they have the brooch on their 'dae,' *i.e.* on their bosom, but so as it is not much beyond it; and if it be, wickedness is the rule respecting it. *There is* compensation for the first injury *it inflicts*, half 'dire'-fine with compensation for the second injury, full 'dire'-fine with compensation for the third injury. *There is* exemption as regards idlers and unprofitable workers for every injury done in putting it (*the brooch*) on.

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Յևա անտիր ԵՄ.

.1. Իր Ինանն Իր Յևա մեռն միժուկայ, Ին ԵՆ.

Յևա ըոն անտիր, ըոն մոռն Ին շուր ըո նի, աճ Ե ՅԵՆ յուշեճ, .1. ԵՄՄԱՆՈՒՄՇԵՐ, օԵՍԻ ըօր Իմ մուշ շեճա ըօ ԵՐԱՅՈՒՄ .1. ԵՐԱՅ Ին ԻնաՅ յուշուիճ ըօ ուՅ Ի ը ԻՆ .1. ԵՐԱՅ ԵՄ յուշեճ, ԵՄ ԵՐԱ, ըօ ԵՐԱՅ Իմ Ա ԵՐ ԵՐԱ ըօ ը Ին ուՅԱ ԻՐԱՆ Ին ԵՐԱԵՐԱԽ, .1. ԵՐԱՆ ըոն ԵՄՄԱՆՈՒՄՇԵՐ Ա մոն ԵՐԼԱ օԵՍԻ Ա մօր ԵՐԼԱ ը ԵՐ ԵՐԱՐԻ; Լեճ Երաճ Երաճ Ին մոն ԵՐԼԱ օԵՍԻ մօր ԵՐԼԱ Օ ԵՐԱՐԻ ԱՄԱԽ ԵՕ մի, ըօ ԵՕ ըժեճ ԵՒ ԵՐ, օԵՍԻ ԼԱՆ Երաճ Երաճ Երաճ ԻՆ.

ԼԱՆ Երաճ ՕՆ ԵՐԱԵՐԱՅ ԻՆԱ մօր ԵՐԼԱՆ ԵՕ ճեճուր; ԵՐԱՆ ՅԻ Ա մոն ԵՐԼԱ ը ԵՐ ԵՐԱՐԻ; Լեճ Երաճ Երաճ ԻՆ մոն ԵՐԼԱ Օ ԵՐԱՐԻ ԻՄԱճ ԵՕ մի, ըօ ԵՕ ըժեճ ԵՒ ԵՐ, օԵՍԻ ԼԱՆ Երաճ Երաճ Երաճ ԻՆ.

ՇԻԱ ԵՐ ԻՆ ԵՐԱՆ յօՒԵՐԱՄ ԵՐԱ յԵՐԵճԱՆ? ԱՐ ԻՆ ԵՐ օԵՍԻ ԵՐ ԻՆ մոռն, օԵՍԻ ԵՐ ԵԱճ ըժԱՅՈՒՄ ԵՐ Ա ըժեճ ԵՆ ԻՆԵՅՅԱՆ յԱԵՐԱ ըօ մԱՆՈՒՄՇԵՐ ԻՆ ԵՐ օԵՍԻ ըԱ մոռն. ՈՒ ՍԻ ԵՆԵԱճ ԵՐ ԱՐԻ, ԻՐ ԼԱՆ Երաճ Ա ԵՆԵՐԻ ԵԱՆ ԵՐԵԱՅԻՅԻ ՅԻ ԵՐ ԻՆԵՅՅԱՆ ԵՆ ԱՆՈ.

ՅԵԱՆ ԵՐ ըԱ ԵՐԱԼ ԵՐ ԵՐ, օԵՍԻ ըօ ըԱ յԱԵՐ Ա ՅԻԼԻ, օԵՍԻ ԵՐԱՐ ԱՆ մի; Երաճ յԱ մԵՐԵճ ԵՐ ԻՆ, ըօ յԱ յԱԵՐ Ա ՅԻԼԻ ՅԻ, ըօ յԱՄԱՐ ԻԱՐԻ ԱՆ մի, ըօՐԱՐ ԵՄ ԻՆԵՐԵՅԻՐԵ, օԵՍԻ ԼԱՆ Երաճ ԻՆ.

<sup>1</sup> *As regards the jealous woman.*—In the MS. E. 8, 5, p. 38, col. 1, a passage is here found which seems altogether misplaced. It is as follows:—

ՕԵՍԻ ԻՆ ԵՒ ԱՄԱԼ ԻՐԵԱճ, ԵՕ ԵՐԵԱՐԵ, ըԱ ԵԱՄՆԱԵՐ ԵՐԱՐԵԱՐԱՐ ըԱ; մԱՆԱ ԵԱՄՆԱԵՐ ԻՄԱՐԻՐ, ԻՐ ԱՄԱԼ ԵՐԵԱճ ԵՕ ԵՐԵԱՐԵ ԻՆ ԵՐԵԱՐԵ ԻՆԵՐԻ Օ ԵՐԱՐԱ ըԱ ըժԱՆ; օԵՍԻ ԻՐ ԱՄԱԼ ԵՐԵԱՐ ԵՐԱ ՅԻԼ ԻՆ ըԱ ԵՐԼԱ ըօ ԵՐԱՐ Ա յԱՄ ը Եճ ԱԼԵ, ըԱ ԵԱՄՆԱԵՐ ԵՐԱՐԵԱՐԱՐ ըԱ; մԱՆԱ ԵԱՄՆԱԵՐ ԻՄԱՐԻՐ ԻՐ ԱՄԱԼ ԵՐԵԱՐ ԻՆԵՐԵՅԻՐԱ ԵՐԵԱ.

And the hound is like an idler who provokes, if it can be separated from; if it cannot, however, it is like a profitable worker who provokes with respect to one-fourth *for* for it from the master of the oxen; and it is like idle shouting to it

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That is, *the exemption as regards the jealous woman*<sup>1</sup> is the same as "the exemption as regards the gratification of desires."

The woman, i.e. the wife, is exempt from *liability* for the jealous acts she does, provided she is a lawful woman, i.e. a first wife, and provided this *jealousy* is *exhibited* in a proper place, i.e. provided it is in a lawful place she does the act, i.e. provided it be lawful jealousy, i.e. rightful jealousy, or that she does these things to her own husband respecting an 'adaltrach'-woman, i.e. the first wife is exempt as regards her minor offences and her great offences for the space of three days; half-fine *is due* from her for her minor offences and great offences from three days forth to *the end of* a month, or until she goes to *live with another* man, and full fine *is due* from her then.

*There is* full fine *due* from the 'adaltrach'-woman for her great offences at once; she is exempt as regards her minor offences for the space of three days; half-fine *is due* from her for her minor offences from three days forth to *the end of* a month, or until she goes to *live with another* man, and full fine *is due* from her then.

Who are they upon whom it is lawful for them (*jealous women*) to inflict these *injuries*?<sup>2</sup> Upon the man and upon the woman, and upon everyone among the family of the man and of the woman on whom the liability of being sued as a kinsman rests. The criminal is not forthcoming *in this case*, but *if so* the full fine for the wound without provocation should be paid to the kinsman in the case.

This is *the case of* a woman who is not *living with another* man, and to whom a release *from her engagements* was not given, and it is before *the expiration of* the month; for if she were *living with another* man, or if her release had been given to her, or if it were after the month, it would be *a case of* unwarranted jealousy, and *there would be* full fine for it.

with respect to the injuries which the oxen do to another person, if it (*the hound*) can be separated from, but if it cannot, it (*the case*) is like the shouting for unnecessary profit.

<sup>2</sup> *To inflict these injuries.*—O'D. 2009 has here, from the margin of the MS., "in ɔɪɫɫɔɔ nɪŋɪn ɔɔɪɪ in ɔɪmɫɔɔ ɫɔɔ, the scratching of the nails and the cutting by them."

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ASCH.**

No paitech, .i. in ni ip vech paiter uro ocup tui, in cpano cam.  
Scenmanna vo ruagail i let tui, ni rain ruioisgar; ocup va maro  
ruioisgar, ip a bit ariahl cet rceinnm.



She has her choice then to separate; but if she should choose to remain in the law of marriage, *in* everything as regards which she would be exempt *from liability* for a time, *if not bound by the law of marriage*, she shall be exempt as to it always, *although* in the law of marriage. *This is* whenever she is exempt in respect of it; and 'coib-che'-wedding-gift and honor-price is to be paid to her, and 'eric'-fine for a wound *inflicted by her* is to be paid by her fully. Whenever she is exempt respecting it as far as one-half, she is similarly exempt; and a balance is to be struck between the half that is due from her and the 'coib-che'-wedding-gift and honor-price to which she is entitled, and whichever of them has the excess let him pay *it* to the other.

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AICILL.  
—

For everything as regards which she is exempt here for the time *mentioned*, she is exempt always, *though continuing* within the law of marriage; *for* everything in which she is liable to give 'eric'-fine during the time *stated*, she is liable to 'eric'-fine always, *though continuing* within the law of marriage.

"Minor offence" means every kind of injury up to bloodshedding, and bloodshedding itself.

"Great offence" means every injury from that out.

The exemption as regards horses in horse-fights, both horses and pigs.

That is, the horses are exempt as regards the horse-fight they wage among themselves.

And pigs, i.e. between horses among themselves and pigs among themselves; and they are exempt *from liability* for whatever *injury* each of them may do to the other.

The exemption as regards the grinding-stone or the crank in *grinding*.

That is, the person who grinds the knife on the stone is exempt; he is exempt though the knife should injure<sup>b</sup> the stone, or the stone injure<sup>b</sup> the knife; or though the idler should come between them.

<sup>b</sup> Ir. *Go through.*

Or the crank, i.e. the thing which runs well from him and to him, *viz.*, the crooked stick. "Slippings" is the rule respecting it *if* the fixing was not different; but if the fixing was different, it (*i.e. each fresh accident*) is to be the same as a first slipping.

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of  
MCLL.

### Ուն զաւ զու.

.1. Դևոն զոն զաւ ին զուո զո զեբա ա զաւլ իմոմետա իրոն  
զուլո զո զաւոն ; ա՛ւ զա զա ա զաւոն զի զո զաւոն  
հե ; զու զա զա, իր աւաւ զոբաւ զո զաւոն ին զուո, զու  
աւաւ զոբա՛ զաւ զաւոն ին զաւ ; զու զաւ ին զաւ զո զաւոն  
աւո.

### Ուն զաւ զաւոն.

.1. Դևոն զոն զաւ [ին զոբաւ] ին զաւոն ա զաւոն ; զու  
լաւոն աւ զու զոբա՛, զու զաւոն ա զաւոն զո զաւոն ին  
լաւոն աւ.

### Ուն զաւոն.

.1. Դևոն զոն զաւ զաւոն զաւ զաւոն զաւ զաւ  
լաւոն [զո զաւոն], զո զա զա զաւոն զաւ, զո զաւոն  
հե զաւոն զաւոն. Մաւ զա զա զա զաւոն, զու զա  
լաւոն հե զաւոն զաւոն, իր զա զո զա զաւոն.

.1. ա զոնոն զու ա զաւոն, զու զա զա զա զաւոն  
աւ ա զա. Եւաւ զո զա զաւոն, զու զաւոն զո զա  
լաւոն զա զա զա.

.1. Դևոն զա զաւ, [զո զաւ].

.1. մաւ զոնոն զո զաւոն զա զա զա զա զա զա զա զա  
ա զաւոն, զու զա զա զա զա զա զա զա զա զա զա զա  
լաւոն, զո զա զա զա զա զա զա զա զա զա զա զա զա  
լաւոն, զու զա զա զա զա զա զա զա զա զա զա զա զա  
լաւոն զա զա զա զա զա զա զա զա զա զա զա զա զա զա

<sup>1</sup> A cat in a kitchen.—The rule about the cat in D'Achery's *Capitula Selecta Canonum Hibernensium* is different: "Hibernenses dicunt, Pilax si quid mali fecerit nocte non reddet dominus ejus; in die vero, nocens reddet," p. 505. O'D. 2012 has some further rules on the subject, which will be given in the appendix.

<sup>2</sup> Pleasant hills.—This seems to refer to hills on which meetings in the nature of courts were held, but the article is imperfect in both copies, i.e., in E. 3, 5, and Egerton Plut. 90.

<sup>3</sup> A fine of sacks.—That is, a fine consisting of a sack of wheat, a sack of oats,

The exemption as regards a cat in a kitchen.<sup>1</sup>THE BOOK  
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That is, the cat is exempt *from liability* for eating the food which he finds in the kitchen owing to negligence in taking care of it; but so that it was not taken from the security of a house or vessel; and if it was *so* taken, *the case as regards* the food is like that of a profitable worker with a weapon, and *the case as regards* the cat is like that of an idler without a weapon; and it is safe to kill the cat in the case.

## The exemption as regards a cat in mousing.

That is, the cat is exempt *from liability* for *injuring* an idler in catching mice when mousing; and half-fine is *due* from him for the profitable worker *whom he may injure*, and the excitement of his mousing takes the other half off him.

## The exemption as regards cattle on a hill.

That is, the cattle ~~are~~ exempt *from liability* in eating the grass of the pleasant hills,<sup>2</sup> which is not appropriated, or though appropriated, respecting which permission was given by the proprietor. If it be grass which is appropriated, and permission has not been given by the proprietor, there is a *fine of sacks*,<sup>3</sup> or a fine for man-trespass *for it*.

That is, *if it be a hill for meetings, and if it has been cut up*, it is to be beaten down and trampled on, and fine clay of its own nature *to be put on it* afterwards. *And if a meeting is to be held on the hill before the grass has returned to its original state, clothes are to be spread under kings and rushes under the grades from that out (inferior grades).*

A man wounded in the field of battle.<sup>4</sup>

That is, if it be a sensible adult that is drawn into the combat-field with the consent of his family, and *if* there was no crime *charged* upon the person who drew him, or though there were a *charge* he avowed it, whether life-wound or death-wound *ensues*, he is exempt. If there was crime *charged* upon him and he did not avow it, whether life-wound or death-wound, it is the full fine of the person and a sack of barley. This appears to have been a common fine among the ancient Irish.

<sup>4</sup> *A man wounded in the field of battle.*—Here, it is said, Cennfaela's part of the treatise begins, the previous part having been considered the work of king Cormac.





against whom he has been brought out *he is liable for*, but if his family were present, whether it be life-wound or death-wound, he is exempt. If his family were not present, and if it be a life-wound, it (*the penalty*) is full *fine*; if it be a death-wound, it (*the penalty*) is a fine for unjust killing.

What is the reason that the person against whom one was brought is exempt here when his family are present, and that a fine for unjust killing lies against the man who drew him in the case,<sup>a</sup> where it is said: "Let it be proclaimed to the chief, to the church, to the sub-chief, and to the 'annoit'-church,<sup>1</sup> and to the mother's people, i.e., the family of the mother." The reason of it is, it is unlawful for the person here to deliver a person up until he has given notice to these *parties*, for he does not know but that there might be one among them who would like to ransom him; and it is right that there should be a fine for unjust death upon him, because he had not given the notice.

According to others, the reason of it is, the result of having delivered up a man against his will is *charged* upon a person here, and it is right that there should be a fine for unjust death *recoverable* from the person who killed him, without having shown him to everyone who was likely to ransom him; or, it (*the fine*) may be *recovered* from the person who had delivered him up. Now, in this *latter* case, it was an agreement that the person *who delivered him up* had made with a sensible adult, and it was with his own consent he went there (*to the battle*), and it is right that the person who killed him should be exempt, when his family were present.

As to the non-sensible person he has drawn into the combat-field, with the cognizance of his family and his guardians,<sup>b</sup> when the person who drew him is not in fault, or if he is, he avows it, if death *ensues* the drawer is exempt, and the person who came *to fight* against him is exempt; he is exempt, but if it be a life-wound, body-fine for a life-wound shall be paid by him.

If he is in fault and did not avow it, or if it was in the absence of his guardians<sup>b</sup> the *occurrence took place*, whether he avowed it or not, whether life-wound or death-wound, it (*the penalty*) is full fine.

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<sup>a</sup> Ir. *Within*.

<sup>b</sup> Ir. *Sensible adults*.

THE BOOK OF AICHEL. — In ouine i pucato amach he, aét ma no batup a coonai; ar airo, iplan; mara beocneo, i leé coirpoire a beocneise sic ri. Ocuir i riét coonai, ocuір va ma a riét ecoonai; no bas lan coirpoire.

Mar a necmai a coonai, ci beocneo ci marbcneo, i leé coirpoire a beocneise sic ri; ocuір i riét coonai, ocuір va ma a riét ecoonai, no bas lan coirpoire.

Mar coonai no tairgeo i rin caé a aicic a rineéaire, O'D. 2014. ocuір ni riil cin [ac in ci] no tairgeirtar, no ce beé cin aicic O'D. 2014. no inoir, [i iplan] don ci pucurtar he, ocuір iplan don ci i pucato aicic; ocuір ci beocneo ci marbcneo, iplan.

Mar a necmai a coonai, ocuір ni riil cin ac in ci no tairgeirtar, no ce beé aicic no inoir, mara beocneo iplan, mara marbcneo i lan riach.

Ma ta cin aicic, ocuір ni inoir, ci beocneo ci marbcneo, i lan riach, ocuір iplan don ci i pucato aicic in caé inao sib rin he.

Ci no vera cunao rlan in ci i pucato aicic i rin caé he, ocuір naé rlan don ci i pucato aicic i rin comruc. I e raé rovera, oligicé caé ina comruc, ocuір luga no petar riaprai; i caé ina comruc. Mar ecoonai no tairgeo i rin caé a aicic a coonai, ocuір ni uil cin ac in ci no tairgeirtar, no ce beé aicic no inoir, mara marbas i lan, mara beocneo, i coirpoire a beocneise sic ri on ci pucurtar he, ocuір leé coirpoire a beocneise on ci no gab na aicic. I riét coonai no gaburtar imuich ann rin he, ocuір sam a riét ecoonai, no bas lan riach on ci pucurtar he, ocuір iplan don ci i pucato aicic.

<sup>1</sup> Into the battle.—O'D. 2014 reads "cat coitcenn comarleicti, a general advised battle."

<sup>2</sup> In the person of.—That is in mistake for.

The person who brought him out is exempt if his guardians<sup>a</sup> were present; if it is a life-wound, it is half body-fine for his life-wound that is to be paid by him. *So it is* in the person of a sensible adult, and if in the person of a non-sensible adult, it (*the penalty*) would be full body-fine.

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<sup>a</sup> Ir. Sensi-  
ble adults.

If it be in the absence of his guardians,<sup>a</sup> whether it be life-wound or death-wound *that ensues*, half body-fine for the life-wound is to be paid by him; *this is* when *he is* in the person of a sensible adult, but if it were in the person of a non-sensible adult, it (*the penalty*) would be full body-fine.

If it be a sensible adult that was drawn into the battle<sup>1</sup> by the consent of his family, and the person who drew him is not in fault, or though he should be in fault, he avowed it, there is exemption to the person who brought him, and exemption to the person who came against him; and whether it be life-wound or death-wound, he is exempt.

If it be in the absence of his guardians,<sup>a</sup> and the person who drew him was not in fault, or though he was, he avowed it, if it be life-wound he is exempt, if it be death-wound, it is full fine *he pays*.

If he is in fault and he did not tell it, whether it be life-wound or death-wound, it is full fine *he pays*, and there is exemption for the person whom he was brought against in every instance of these.

What is the reason that the person is exempt whom he was brought against in the battle, and that the person whom he was brought against in the combat is not? The reason of it is, a battle is more lawful than a combat, and inquiry could be made less in a battle than in a combat. If it was a non-sensible person that was drawn into the battle by the consent of his guardians,<sup>a</sup> and the person who drew him is not in fault, or though he should be *in fault*, he avowed it, if death *ensues*, he is exempt; if a life-wound, the body-fine of his life-wound is to be paid to him by the person who drew him, and half the body-fine of his life-wound by the person who came against him. In the person of<sup>2</sup> a sensible adult he was taken outside on this occasion, and if it had been in the person of a non-sensible man, it (*the penalty*) would be full fine from the man who had drawn him, and the man whom he came against is exempt.

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Map a necmar a pinecharpe, cto mapbað cto beocneo,  
iŕ lan ŕiað on ti ŕucurcar he, ocuŕ iŕlan ðon ti i ŕucaro  
aroið.

Ma ta ein aici, ocuŕ nŕi nŕoiŕ, no map a necmar a pine-  
charpe, cto nŕoiŕ cen cop nŕoiŕ, cto beocneo cto mapbað cto,  
iŕ lan ŕiað, ocuŕ iŕlan ðon ti i ŕucaro aoið in cað inato ðib  
ŕin he.

Cað bail iŕ ðileŕ in ŕep compaic uile, iŕ ðileuŕ a apm  
ocuŕ a etach uile. Cað bail iŕ ðileuŕ he co ŕuici a leð, iŕ  
ðileŕ a apm ocuŕ a etach co ŕuici a leð. Apm ocuŕ etað in  
ðuine buðein ŕin, no apm ocuŕ etað neið aile ap a aitiŕin.  
Mapa apm ocuŕ etað neið aile na ecmari, iŕ ŕiach ŕoim-  
ŕime ann. O ŕine ŕium ðŕiŕ bunaro in apm ocuŕ in  
etari; ocuŕ ŕuarlancet in ŕine in tarpm ŕin no in tetarð, no  
apm ocuŕ etað a comaicinta; aðt maine tarðitar he iŕiŕ  
cen a lot, iŕ a ðileŕ ðon ŕiŕ amarið, ocuŕ apm ocuŕ etach a  
comaicinta ðŕiŕ bunaro, cuna ŕiach ŕoimŕime.

Ma no iŕiŕ in ŕep amuich cunaro apm neið aile, iŕ  
O'D. 2015. amuil ŕep meðongaiti laninŕiŕthech he. Mani [ŕi]ŕiŕ  
iŕiŕ, iŕ amuil ŕep meðongaiti lanŕiŕthech he, ocuŕ  
ŕlan ðorpm act na po ŕaba ime, ocuŕ ma po ŕab, iŕ amuil  
ŕep meðongaiti laninŕiŕthech he.

Iŕ ann aða leð ŕiað cað ainiŕiŕ, in uaiŕ po ŕetaro in  
mapbað cen in tarpm no in tetarð ðo milleo. Iŕ ann ata  
ceðŕuime cað ainiŕiŕ, in uaiŕ na ŕetaro in mapbað cen  
in tarpm no in tetarð ðo milleo.

Cto ŕo ðepa copob ŕlan ðon ti po ŕaburcar in tecor-  
nach i naŕait iŕin ðath coitcenn comarleiðti, ocuŕ co  
nað ŕlan ðon ti po ŕaburcar i naŕait he iŕin naiŕiŕ  
compaice? Iŕ e ŕað ŕoðepa, ŕiŕtiŕe cath ina compuc,  
ocuŕ mo po ŕoið a iariŕaiðti a compuc na i cað, in ŕe corðarð

<sup>1</sup> *More lawful*.—O'D. 2014, adds—"ocuŕ linmanŕe, more fully attended,"  
that is greater numbers are engaged in it.



If it be in the absence of his family, whether death-wound or life-wound *ensues*, it (*the penalty*) is full fine from the man who drew him, and the man whom he came against is exempt.

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If he was in fault and did not avow it, or if it was in the absence of his family, whether he avowed it or not, whether life-wound or death-wound *ensues*, it is full fine, and the man whom he came against is exempt in each case of these.

Wherever the combatant is altogether lawful spoil, his arms and clothes also are all lawful spoil. Wherever he is lawful spoil as far as one-half, his arms and clothes are also lawful spoil as far as one-half. These are the man's own arms and clothes, or the arms and clothes of another man *taken* with his consent. If they be the arms and clothes of another man *taken* in his absence, it is a fine for the wear *that is due* for them. This is *due* from his family to the owner of the arms and clothes; and the family shall redeem these arms or clothes, or *give* arms and clothes of the same kind; but if they (*the arms and clothes*) have not been preserved uninjured, they are the lawful spoil of the man outside, and arms and clothes of the same kind *are to be given* to the owner, with the fine for wear.

If the man outside knew that they were the arms of another person, he is like a fully unlawful middle-theft man. If he did not know it, he is like a fully lawful middle-theft man, and he is exempt, if he has not put them on, but if he has put them on, he is like a fully unlawful middle-theft man.

It is then there is half-fine for every ignorance, when the killing could have been effected without injuring the arms or the clothes. It is then one-fourth fine *is to be paid* for every ignorance, when the killing could not have been effected without injuring the arms or the clothes.

What is the reason that the man who comes against the non-sensible adult in the general advised battle is exempt, and that the man who comes against him in the time of combat is not exempt? The reason is, a battle is more lawful than a combat, and the inquiry could be more *easily* made in the combat than in the battle, whether it was against a

THE BOOK OF APOCAL. no in pe heccotnac he, no in pe vilreð no in pe invilrech,  
no in rabatar a fine ar airo, no na rabatur; ocur coir  
ce no beif fiað bair ecoir uair na verua a iarpaið.

Cach breithemain a baegul.

O'D. 2015. [1. ipeo ipe leir in mbreithemuin epe in neic ima mbaeð-  
latet he oic .i. epe a gubreie.]

1. mar eua compaiti pucurta in breithem in gu breith,  
O'D. 2105. ocur ata ac gabail impi eua compaiti, [no] eio eua  
anrot pucurta hi, ma ta ac gabail impe eua compaiti,  
eneclann uat i nupurur, no cumal ocur eneclann i can; ;  
ocur vilri na aile dec in cað inat vibrin.

Mar eua anrot pucurta hi, ocur ata ac gabail impi  
eua anrot, let eneclann ann i nupurur, no let eneclann  
ocur let cumal i can; ; no dono čena, cuna beif eneclann  
irin anrot, ocur eua anrot beirur, mana fuil ac gabail  
impe, plan do ač vilri na aile dec uat.

Ma eua compaiti atačar ac in elugao, ocur eua com-  
paiti atačar ac lenamain ar, no eio eua anrot atačar,  
mar eua compaiti atačar ac lenamain ar, eneclann air,  
ocur vilri na aile dec uat.

Mar eua anrot atačar ac in elugao, ocur eua anrot  
ata ac lenamain ar, let eneclann, ocur vilri na aile dec.

Mar eua anrot atačar ac in elugao, ocur ni uil ac  
lenamain ar, plan do ač vilri na haille dec uat.

Cach riç a ramut.

O'D. 2016. [1. ipeo ipe leir in cach ipe riç eneclann do i nair a roit].  
.1. in aenmat rann rihet do riç tuait i nair a pum-

sensible adult or a non-sensible adult it was *fought*, or against a condemned or non-condemned man, or whether his family were present or not; and it is right that a fine for unjust killing should be *recovered from him* because he did not make the inquiry.

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Every judge *is punishable* for his neglect.

Viz., the Brehon is to pay 'eric'-fine for that wherein he is impugned, i.e. the 'eric'-fine for his false judgment. That is, if it be through malice the judge passed the false sentence, and is adhering to it through malice, or though he may have passed it through inadvertence, if he is adhering to it through malice, honor-price *is due* from him in 'Urradhus'-law, or a *fine* of a 'cumhal' and honor-price in 'Cain'-law; also the forfeiture of the one-twelfth in each case of these.

If he passed it (*the false sentence*) through inadvertence, and is adhering to it through inadvertence, *there is* half-honor-price *due* for it in 'Urradhus'-law, or half honor-price and a *fine* of half a 'cumhal' in 'Cain'-law; or, indeed, *according to some*, there is no honor-price *due* for inadvertence, and *though* he passed it through inadvertence, unless he is adhering to it, he is exempt *from liability*, but *his fee*, the one-twelfth is forfeited by him.

If it be through malice that he is impeached, and he is adhering to it (*his sentence*) through malice, or though it be through inadvertence he is *impeached*, if it be through malice he is adhering to it, he pays honor-price and *his fee*, the twelfth is forfeited by him.

If it is through inadvertence he is impeached, and *if* he is adhering to it (*his judgment*) through inadvertence, half honor-price *is due from him*, and his twelfth is forfeited.

If it is through inadvertence he is impeached, and *if* he is not adhering to it (*his judgment*) he is exempt, but his twelfth is forfeited by him.

Every king *is entitled to compensation for injury to his road*.

That is, everyone who is a king is entitled to honor-price for injuring his road. That is, the one-and-twentieth part *is due* to the king of a territory for injuring his principal

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բօւր; տօրա շէրամառնա նա ձեռնարկ բանտի քիտ 1  
նաւր ա բօրբօւր. Լեւի նա ձեռնարկ բանտի քիտ քիտ  
շէրմառնա ին նաւր ա բօրբօւր, ին նաւր ա ձեռնարկ  
բանտի քիտ քիտ ին նաւր ա բօրբօւր. Օսր ուր ձեռնարկ  
ուր ին 1 Լեւի, ա՛ւր ին ձեռնարկ բանտի քիտ, ա՛ւր ա ձեռնարկ  
ո նա բօրբօւր; օսր իր ա ձեռնարկ ին ձեռնարկ բանտի քիտ,  
աւր ին բանտի բանտ.

Կարա՞նք ա ձեռնարկ տօրա շէրմառնա նա ձեռնարկ  
քիտ աւր քիտ ձեռնարկ 1 նաւր ա բօրբօւր? Իր ա ձեռնարկ  
ո նա բօրբօւր, նաւր ին բօրբօւր քիտ աւր բօրբօւր ա ին նաւր  
քիտ ձեռնարկ, օսր ա ձեռնարկ քիտ ձեռնարկ. Ին բօրբօւր քիտ  
քիտ աւր բօրբօւր իր բանտի աւր քիտ. Իր ա տօրա շէր-  
մառնա ին նաւր աւր քիտ ձեռնարկ քիտ աւր բօրբօւր  
ին Լեւի աւր քիտ աւր բօրբօւր; օսր ուր ձեռնարկ, նաւր  
իր ին ձեռնարկ բանտի քիտ աւր քիտ ձեռնարկ, ին նաւր  
աւր բօրբօւր, ձեռնարկ քիտ տօրա շէրմառնա նա ձեռնարկ  
բանտի քիտ ին քիտ քիտ ին նաւր աւր բօրբօւր.

Կարա՞նք ա ձեռնարկ Լեւի նա ձեռնարկ բանտի քիտ աւր  
քիտ ձեռնարկ 1 նաւր աւր բօրբօւր? Իր ա ձեռնարկ  
ո նա բօրբօւր; նաւր ին բօրբօւր քիտ աւր բօրբօւր, ա ին նաւր  
քիտ ձեռնարկ, օսր ա ձեռնարկ քիտ ձեռնարկ; ին բօրբօւր քիտ  
քիտ աւր բօրբօւր, իր բանտի աւր քիտ; ին նաւր աւր քիտ  
քիտ աւր, իր նաւր աւր Լեւի աւր քիտ ձեռնարկ, նաւր  
իր նաւր Լեւի աւր ին նաւր ին նաւր. օսր ուր ձեռնարկ,  
նաւր իր ին նաւր բանտի քիտ աւր քիտ ձեռնարկ 1 նաւր  
աւր բօրբօւր, ձեռնարկ Լեւի ին նաւր բանտի քիտ ին քիտ  
քիտ ձեռնարկ 1 նաւր աւր բօրբօւր.

Կարա՞նք ա ձեռնարկ ին նաւր ին նաւր բանտի քիտ



road; three-fourths of the one-and-twentieth part for injuring his by-road. One-half the one-and-twentieth part *is due* to the 'Geilfine'-chief for injuring his principal road, two-thirds of the one-and-twentieth part to him for injuring his by-road. And nothing of these *regulations* is found in any book, except the one-and-twentieth part; but they are inferred from the *case of* 'waifs'; and the one-and-twentieth part is inferred from 'The demand of a king for the cutting of his roads.'

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Whence is it inferred that the three-quarters of the one-and-twentieth part are *due* to the king of a territory for the injury of his by-road? It is inferred from the 'waifs,' for, of the waifs which are found on a principal road *there are* two-thirds *due* to the king of the territory, and one-third to the 'Geilfine'-chief. The waifs that are found on a by-road are to be divided in two between them. The three-fourths of the two-thirds of the waifs of his principal road that are *due* to the king of the territory are *equivalent* to the half of the waifs of his by-road to which he is entitled; *and* from this it is right that as it is the one-and-twentieth part that is *due* to the king of the territory for injuring his principal road, it should be the three-fourths of this one-and-twentieth part he should have for injuring his by-road.

Whence is it inferred that half the one-and-twentieth part is *due* to the 'Geilfine'-chief for the injuring of his principal road? It is inferred from the 'waifs,' for two-thirds of the waifs which are found on a principal road, *are due* to the king of the territory, and one-third thereof to the 'Geilfine'-chief; the waifs which are found on a by-road are divided in two; *and* whatever portion the king of the territory has therein, the 'Geilfine'-chief has one-half of the same, for the one-third is equal to one-half of two-thirds. It is right therefore that as it is the one-and-twentieth part that is *due* to the king of a territory for injuring his principal road, it should be the one-half of that one-and-twentieth part that the 'Geilfine'-chief should get for the injuring of his principal road.

Whence is it inferred that it is the two-thirds of the one-

## Leban Aicle.

O'E. 2018. do flait̃ geilp̃ine i nair a porpait, uair naē inoir̃enn  
leban? Iy ar gabar, ar a cuiciz p̃rit̃e bur̃ein ocur p̃iz  
tuait̃e ar in [por]p̃ot rin; uair in p̃rit̃i do gabar ar  
p̃rimp̃ot, a da trian do p̃iz tuait̃e, ocur a trian do flait̃  
O'D. 2018. geilp̃ine; in p̃rit̃e do gabar ar porp̃ot, [a leth do p̃iz  
tuait̃i ocur a leth do flait̃ geilp̃ine .i. p̃ireb̃ imp̃or̃c̃raio  
ata do flait̃ geilp̃ine ant̃ rin do rom̃aine a p̃rit̃e porp̃ot  
rech rom̃aine a p̃rit̃i p̃rimp̃ot; coir no deĩr̃de, ciamao  
p̃ireb̃ imp̃or̃c̃raio no bẽt̃ do i nair a porp̃ot rech air a  
p̃rimp̃ot; ocur air m̃bein a c̃ota r̃ep̃er p̃rit̃e ar, iy ant̃  
t̃eit in c̃omb̃rõd̃ail rin air ior̃ na flait̃ib̃].

Cio p̃od̃era conão mo do p̃iz tuait̃i a p̃rimp̃ot ina porp̃ot, ocur conã mo do flait̃ geilp̃ine a porp̃ot ina a p̃rimp̃ot?

Iy e pãt̃ p̃od̃era; p̃uioil̃ri do p̃iz tuait̃i p̃rimp̃ot ina porp̃ot; ocur p̃uioil̃ri do flait̃ geilp̃ine porp̃ot ina p̃rimp̃ot.

Ocur iar m̃breit̃h cotãt̃ p̃rit̃i ar, iy ann ata in cob̃rõd̃ail rin air ior̃ na flait̃ib̃; ocur a lãt̃ ocur a ñg̃om̃rao do cãit̃em doib̃ rin in p̃e rin, ocur t̃rebuiri o na flait̃ib̃ p̃e p̃er p̃rit̃i, mara luga ina cuiciz p̃ucur̃tar p̃er p̃rit̃i, ina p̃uillet̃ d̃airec do o ra p̃iñõraiõer p̃er buñaio, ocur t̃rebuiri tar ceño rin p̃rit̃i, mara mo na cuiciz p̃ucur̃tar, in im̃ar̃c̃raio d̃airec uat̃o o po p̃iñõraiõer p̃ear buñaio.

## Cach meic a mac̃rlab̃ra.

.1. t̃ri meic̃rlab̃ra aĩt̃p̃eg̃tar ant̃: mac̃rlab̃ra r̃ep̃ .i. iñdeĩt̃em po bai aic̃i anñrin a tabair̃t̃ ar cõr̃e a r̃ep̃, ocur

<sup>1</sup> *Shall be found.*—O'D. 2018, adds here: "And it is of the share of the original owner this division was made, and as to what reaches the owner, if it was found

and-twentieth part which are *due* to the 'Geilfine'-chief for injuring his by-road, as no book states it? It is inferred from his own share and *that of* the king of the territory, of the waifs *found* on that by-road; for *of* the waifs found on a principal road, two-thirds are *due* to the king of the territory, and one-third to the 'Geilfine'-chief; *and of* the waifs found on a by-road, the one-half is *due* to the king of the territory and the one-half to the 'Geilfine'-chief, i.e. here the 'Geilfine'-chief has one-sixth more of the profits of the waifs of his by-road than of the profits of the waifs of his principal road; *and* it is right from this that he should have one-sixth more for the injuring of his by-road than for the injuring of his principal road; and after the finder of the waif has deducted his share therefrom, it is then this equal division of it is made between the chiefs.

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What is the reason that there is more *due* to the king of the territory for *injuring* his principal road than his by-road, and that there is more due to the 'Geilfine'-chief for injuring his by-road than *for injuring* his principal road?

The reason is; the principal road is more the peculiar property of the king of the territory than the by-road; and the by-road is more the peculiar property of the 'Geilfine'-chief than the principal road.

And after deducting the share of *the finder of* the waif from it, it is then this division of it is made between the chiefs; and they use the milk and the labour of *the stray cattle* during this time, and security *is given* by the chiefs to the finder of the waif, *that* if the finder has got less than a *finder's* share, more should be paid him in case the original owner be found, and security *is given* for the finder, that if he obtained more than a *finder's* share, he shall pay the overplus when the original owner shall be found.<sup>1</sup>

Every son *is entitled* to his son-gift.

There are three kinds of son-gift taken into consideration; a son-gift *in consideration* of tears, i.e. he had an intention then of giving it *to him* to check his tears, and if it was not

on a chief road, it is the same as if it was lost by a king of a territory, and if on a by-road, it is the same as if it was lost by a 'Geilfine'-chief."



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mun buo eo, ʔr a beʔ amuʔl in macrlabna ʔeʔrʔeʔan;  
ocur macrlabna ʔaʔne; ocur mac ʔeʔrʔen. In macrlabna  
ʔer cain beʔan cain ʔaʔhbeʔan, in nʔ ʔo beʔan inʔu  
ʔaʔan ʔr amaiʔech.

In macrlabna ʔaʔne ʔr ʔileʔ ʔo uile, ʔar cola [inʔ] (.i.  
aʔhʔin), ocur epu (.i. in ʔinʔaʔ), ar ʔr ʔuʔileʔ la ʔeʔne  
macrlabna ʔar ʔolau. Co nachʔuʔaʔ ʔo mac ʔin loiʔro-  
acht na ʔaʔne, ocur munar aʔʔaʔ, ʔr comloʔuʔ lanam-  
nauʔ ʔo ʔenum ʔe; noco mo beʔneʔ ʔo ʔibaʔ in aʔhar ʔar  
necaib in nachar na cach mac ʔliʔʔeʔ na ʔepna in ʔaʔne.

In macrlabna ʔeʔrʔen; ʔr ʔileʔ in bunao co ʔuʔi ʔeʔt  
nanmanʔa ʔon inʔu, ocur a ʔeʔaʔ o ʔa ʔin amaʔ, cuʔ  
ʔr, cuʔich ʔriʔhnam; (ocur ʔruan bunau na ʔeʔt nanmanʔa  
ʔo) ocur anmanʔ ar ʔiʔiʔ ʔo bi anʔ ʔin. Munab mo  
naʔ ʔeʔt nanmanʔa, ʔr ceʔʔau comao ʔileʔ.

Cacha ʔuʔich a mac co nʔepʔeltar ʔe.

.1. ʔʔeo ʔr leiʔin ʔuʔiʔe a mac co ʔo ʔepʔcennaiʔʔer ʔe,  
co ʔo ʔar ʔoiʔʔoiʔe ocur enecʔann ʔuʔ ʔo aʔcneʔ upʔaʔ,  
no ʔeʔʔaʔ, no muʔʔeʔuʔiʔi no ʔaʔr, ocur lan ʔaʔʔaʔ ʔon  
comuʔ ʔe; ocur aʔhʔin caʔ neiʔ ʔo ʔaʔ inʔa cinaʔ ʔic  
ʔuʔ. Ocur ʔo ʔeʔ a aʔhar anʔ ʔin; ocur muna ʔeʔ, in  
eʔʔic ʔaʔr ʔr luʔa buʔaʔar ʔi lubar ʔic inʔa cinaʔ .i. eʔʔic  
muʔʔeʔuʔiʔi ʔaʔr.

Maʔa cuʔʔama in lan ʔo ʔaʔ ʔar a cenn ocur in lan  
ʔo ʔleʔt ʔe, ʔaʔ in ʔaʔhar beʔuʔ imach he in lan ʔin  
ʔuʔin aʔhar ʔa ʔaʔbe ʔall coʔʔaʔʔa.

<sup>1</sup> *A gift in consideration of maintenance.*— This, it would seem, was a portion  
which the father gave to the son who was to support him in his old age. This son  
was usually the eldest legitimate son, and it would appear from this article that  
there was a regular agreement entered into by the father and son for this purpose.



*this intention he had*, it is to be considered as a gift to a son for affection's sake; and a gift *in consideration* of maintenance;<sup>1</sup> and a gift of affection. The gift to a son *in consideration* of tears is given and taken away, *i.e.* what is given to-day is taken away to-morrow.

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The gift to a son *in consideration* of maintenance is all due to him, both stock, *i.e.* restitution, and interest, *i.e.* the increase, for with the Feini, a gift to a son on conditions of support is lawful. *This is so* when the son has made an agreement respecting the price of his maintenance *with the father*, and if he has not made an agreement, it shall be made into an adjustment of 'lanamhnus'-relationship; he shall not obtain more of the father's effects after his death than any other legitimate son who did not perform the maintenance.

*As regards* the gift to a son for affection's sake;<sup>2</sup> the stock is *his lawful right* as far as seven animals of the increase, and it is to be considered from this out, what is *due* for land, and what for attendance; and these seven animals constitute one-third of the stock which consisted of twenty-one animals. If it be not more than seven animals, the opinion of some is that it is *his lawful right*.

Every cuckold *has a right to his reputed son* until purchased from him.

That is, to the cuckold belongs his *reputed son* until he is purchased from him *by his real father, i.e.* until there has been paid to him body-price and honor-price according as he is a native freeman, or a stranger, or a foreigner, or a 'daer'-person, and the full price of fosterage for the length of time *he was with him*; the equivalent also of everything which he had paid for his crime shall be paid him *back*. His *real father* is known in this case; but if he be not known, the lowest 'eric'-fine for a freeman that is found in a book is to be paid for his crime, *i.e.* the 'eric'-fine for a free foreigner.

If the full *fine* which has been paid for him be equal to the full *fine* which he owed, the *real father* who takes him away shall pay that full *fine* to the *reputed father* with whom he has been hitherto.

<sup>2</sup> *The gift to a son for affection's sake.*—In C. 1228, this is said to be in amount 'a 'colpach'-heifer, or a 'samhaise'-heifer, or a milch cow."

## Lebap Aicle.

ra cutpuma lan in athap pucurtau he ocur lan  
ar o pucato, icato in tathair pucurtau he a lan  
pupin nathair o pucato. Mara mo lan in athap o  
icato in tathair pucurtau amuiſ, ma cuimſio, ocur  
cuimſenn, icato buoin a dualſur a reilleo; no ip  
n athair a dualſur reanpocail.

Mara luſa in lan po icato rap a cenn na in lan po  
olecht de, icato in tathair berur imach he oigbail laime  
pur in nathair aca poiſe eall corprarta, ocur icato buoin  
in imarprato ar aſaio imach.

Mara cutpuma in taltpam tucato air ocur in taltpam  
po olecht de, ip cerpiarprato; mara mo anar, ip olliarprato;  
mara luſa anar, ip ingiarprato. Conier a breio o cae pur  
pupin do ſpex he, no co tucā pur noaine daen athair, ocur  
o do berā pur noaine leiſ do aen athair, nocu cumaic a  
breio uatprato no cu tucā pur de leiſ tathair aile;  
ocur o do berā pur de leiſ tathair aile, noco cumaic a  
breio uatprato pupin de, no pupin noaine, no co reio cumala.

ip ar gabar a breio o cae pur pupin do ſpex .i.

raer bru beipur bio  
do tabairt cli,  
cio do cet colla  
cumprato.

.i. ip roer don bru beipur in mbuo pecip colann don cet  
ta cumprato in cli rin.

Mara mo lan in athap pucurtau, icato in tathair pu-  
curtau a lan buoin pur in nathair o pucato, ocur icato in  
imarprato amach.

If the full *fine* of the father who takes him away be equal to the full *fine* of the *reputed* father from whom he is taken, the father who takes him away shall pay his own full *fine* to the *reputed* father from whom he has been taken. If the full *fine* of the *reputed* father from whom he has been taken be greater, the father who has taken him out shall pay it, if he is able, but if he is not able, *the son* himself shall pay in right of his property; or it shall be paid by the father in right of the 'old promise.'<sup>a</sup>

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If the full *fine* that has been paid for him is less than the full *fine* which he owed, the father who takes him out shall pay the *liability* for injury of his hand to the *reputed* father with whom he had been hitherto, and he himself shall pay the excess against him out (*to the other party*).

<sup>a</sup> Ir. *Old word, i.e. proverb.*

If the fosterage which was given to him be equal to the fosterage that was due to him, it is a right fosterage-price; if it be more than that, it is over-fosterage-price; if it be less than that, it is under-fosterage-price. He can be taken from man to man always until the evidence of men assign him to one father, and when he has been assigned to one father by the evidence of men, he cannot be taken from him until he be assigned to another father by the test of God; and when he has been assigned to another father by the test of God, he cannot be taken from him by the test of God, or the test of men, until seven 'cumhals' are paid for him.

His being brought from man to man in succession is derived from this, i.e.

Free is the womb that brings forth a birth  
To produce a body,  
Whichever of a hundred persons  
Removes it.

i.e. the womb is free which brings forth the offspring whatever person of the hundred it be by whom that offspring is removed.

If the full *fine* of the father who has taken him is greater, let the father who has taken him pay his own full *fine* to the father from whom he has been taken, and let him pay the excess out.

**THE BOOK OF ARTHUR.** **—** **Man** yeo a veip in pep, canē in leuan, ap ye, leup, ap ri, iſlan vi; uap yeo a veip: each pinch a uame co weppellzap ve. Ho uono, comaro erpoc erpocniſ uarcho ara.

### Cach athap a cet coibē.

1. **cet coibē** caē inſne via athap, va tpuan iſ in coibēi tanaiſte, ocuſ leē ap in tpeſ coibē, ocuſ tpuanap caēa coibē oēa iſn amae co iſa coibē ap ſichit. **Leē coibē** caē inſne via haſe iſne, tpuan ap in coibē tanaiſte, cethruimē ap in tpeſ coibē. **Ocuſ iſ ap ſabap ap ſil in,** can, i coibē caēa mna uon aſi iſne aſhail ſil can in apēan b batſaroe; ocuſ uoca naſabap in uib iſn uon aſhail cennoēa in cet coibē, aē a ſabail on aſi iſne.

Canap a naſabap va tpuan ata uon athap ap in coibē tanaiſte, uap naē inuipenn leban? Iſ ap ſabap, on aſi iſne, uap leē ata uon aſi iſne ap in cet coibē, ocuſ tpuan ap in coibē tanaiſti, ocuſ iſ e va tpuan in laſn. Coiſ no uoiſiōe; uap iſ uile ata uon athap in cet coibēi, coiſ cema va tpuan vo beſ vo ap in coibēi tanaiſti.

Canap a naſabap in leē ata uon athap ap in tpeſ coibēi, uap naē inuipenn leban? Iſ ap ſabap, on aſi iſne; uap leē ata uon aſi iſne ap in cet coibēi, ocuſ cethruimē ap in tpeſ coibē. Coiſ no uoiſiōe; uap iſ uile ata uon athap in cet coibē, coiſ cema leē vo beſ ap in tpeſ coibē.

<sup>1</sup> *Half the first 'coibche'-wedding gift.*—There seems to be something wrong in this statement. If the father got the whole of the first such gift, how could the head of the family get the half?



If what the man says is, 'whose is the child?' says he, and she (*the mother*) says 'thine,' she is safe; for what it (*the law*) says is: 'Every cuckold *shall have* his own son until purchased from him.' Or indeed, it may be that 'eric'-fine for falsehood *is due* from her for it.

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Every father *gets* the first 'coibche'-wedding gift.

That is, the first 'coibche'-wedding gift of each daughter, *is due* to her father, two-thirds of the second 'coibche'-wedding gift, and one-half of the third 'coibche'-wedding gift, and a proportionate part of every 'coibche'-wedding gift from that out until it reaches the one-and-twentieth. Half the *first* 'coibche'-wedding gift<sup>1</sup> of every daughter *is due* to the head of her family, one-third of the second 'coibche'-wedding gift, one-fourth of the third 'coibche'-wedding gift. And hence it is inferred that the head of the family has some share of the 'coibche'-wedding gift of each woman, as he has in the 'aptha'-gains of the strumpet; and none of these is obtained *directly* by the father except the first 'coibche'-wedding gift, but he obtains *his shares* from the head of the family.

Whence is it inferred *that* two-thirds are *due* to the father out of the second 'coibche'-wedding gift, as no book states it? It is inferred from the *share of* the head of the family; for the head of the family has one-half out of the first 'coibche'-wedding gift, and one-third out of the second 'coibche'-wedding gift, which is *equivalent* to the two-thirds of the whole. This is right therefore; since the father has the whole of the first 'coibche'-wedding gift, it is right he should have two-thirds out of the second 'coibche'-wedding gift.

Whence is it inferred *that* the half is *due* to the father out of the third 'coibche'-wedding gift, as no book mentions it? It is inferred from *the share of* the head of the family; for the head of the family has one-half out of the first 'coibche'-wedding gift, and one-fourth out of the third 'coibche'-wedding gift. This is right therefore; since the father has the whole of the first 'coibche'-wedding gift, it is right he should have one half out of the third 'coibche' wedding gift.



What is the reason that they do not take of the 'coibche'-wedding gift equally, and that they do not take of the third of the 'tinol'-marriage collection<sup>1</sup> equally? The reason of it is, the father is more expected to relieve her (*the daughter*), in small and in great *matters*, than the head of the family, and it is right that he should have more. And she is not bound to give these *portions of her 'coibche'-wedding gift* until she has taken the one-third of 'tinol'-marriage collection with her to a husband; and they are not obliged to give this to her until she has given these parts of the 'coibche'-wedding gift to them. It is derived from this:—the head of the family has a share out of every 'coibche'-wedding gift as far as twenty-one 'coibche'-wedding gifts, but the father does not obtain any from the third 'coibche'-wedding gift out, but gets *his shares* from the head of the family. As he gets twice as much of the first 'coibche'-wedding gift as the head of the family, it is right that he should have twice as much as the head of the family out of every 'coibche'-wedding gift as far as twenty-one 'coibche'-wedding gifts.

It is then these portions belong to them, i.e. to the father, and to the head of the family, when the woman is lawfully<sup>a</sup> divorced.

<sup>a</sup> Ir. *Of necessity.*

If the separation has taken place through non-necessity *on the part* of the woman, even as the shares due to her when she is in her lawful state will be returned by her, so also shall the shares belonging to the father and the head of the family be returned by them.

If it be through necessity or non-necessity *on the part* of both that the separation took place, the proportion of the shares belonging to her in her lawful state, which shall be returned by her, is the proportion which shall be returned by the father and the head of the family of the shares which would belong to them.

Of every levy its third.

That is, the fourth *is paid* for levying within the territory, or in the nearest territory without *the intervention of* an arm of the sea, but if there be an arm of the sea, it is one-third.

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Τριαν αρ tobach αρ in τρέρ ερχη cen gabal mapα, ocyr ma τα gabal mapα, ιρ let. Let αρ tobaē ιριν cethpamab ερχη cen gabal mapα, ocyr ma τα gabal, ιρ va τριαν. Ocyr ιρεο ιρ gabol mapα ann caē bail na petar cen luing no cen jnam. Va τριαν ma var mapα moing, uile ma co necne ινοραγιο. O jir nemberena jir var na petar vul cen jnam no cen ethar, no cen imcein ερις; ocyr va petα, nocu cumfcaiofet cuirig tobais ι; buo ecin ιnrcu-chao εριςhe vo jiaγail ι leirh jir.

Οιο ποθερα conach juil aēt cethruimēi αρ tobach junn, ocyr ι bail ατα τριαν vo peicheman αρ tobach o αντοο co uiler τυαρ, ocyr conao ι ερις vo jineo ιατ αντιρ? ιρ e φαē ποθερα; bpeithem vo jine ιn tobach τυαρ, ocyr uile dec tuiller, ιn cethruimēi conao τριαν; ocyr nocu bpeithem vo jine juno.

Μα πο cenτοais ιmuipo, αρ maithē jē jēr ιn jēoit, ιn tan ιρ luga ιna λογ vo jat αιρ, ιρ cutpuma acpairo vo, ocyr λογ tobais αρ ιn nimapcpairo.

Μαρ e α cutpuma jēin vo jat va ēino, no αρ mo αναρ, ιρ uilri α jēt vo, no co vartar cutpuma acpairo vo va cino; ocyr ιρ uilur o neoch α mberait, aēt jann var muir, aēt ιn jriēatmo jann αρ jri bupairo; ocyr ιρ ανo αταιτ na janna jir ιn tan na cumaing jēr ιn jēoit α tobach.

Munab αρ vaijin maithira po cennais, ιρ jiaē jaiti uao ανo.

ιρ ειριςb ατα cuirig tobais, jēoit uilger ocyr ιm na oamtar uilgeō vo; ocyr cuirig tobais don ti po uoibgejtar ιατ, jo aicneo na εριςι αρ uoibgeō ιατ. Ocyr ιρ ειριςb ατα

<sup>1</sup> *The billowy sea.*—The word 'mong' usually means the 'mane of a horse.' It refers probably to that state of the waves in which they are poetically described as 'crested.'



One-third *is paid* for levying in the third *nearest* territory, without *the intervention of* an arm of the sea, and if there be an arm of the sea, it is one-half. One-half is paid for levying in the fourth territory without *the intervention of* an arm of the sea, and if there be an arm of the sea, it is two-thirds. And an arm of the sea means every place which cannot be crossed over without a boat or without swimming. Two-thirds *are paid* if it be over the billowy sea,<sup>1</sup> the whole if it be a forcible incursion. This is when *it is taken* from a man with whom there is not a 'bescna'-compact, and who cannot be approached without swimming, or without a boat, or without a great round by land; but if he could be *otherwise approached*, the levyer's share will not be altered in any way; 'distance of territory' must be the rule respecting it.

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What is the reason that there is only one-fourth for levying here, while in a place above *mentioned* an advocate had one-third for levying from beginning to end, and both *levies* were made within the territory? The reason of it is; it was a Brehon that made the levy in the former case,<sup>a</sup> and his fee <sup>a Ir. Above.</sup> is one-twelfth, *which with* one-fourth is one-third; and it was not a Brehon that made this *levy*.

If, however, he has purchased for the good of the owner of the 'sed,' when it is less than the value he gave for it, he gets the proportion *due* for his suing, and the expense of levying *is deducted* from the excess.

If it was its own proper value he gave for it, or more than it, the 'sed' shall belong to him until he is paid for his suing for it; and it is forfeited by the person from whom he recovers it, except the part beyond sea, except the thirtieth part of it to the owner; and these divisions are *made* when the owner of the 'sed,' is not himself able to recover it.

If it was not for the purpose of *effecting* good he bought 'the sed,' fine for theft is *recoverable* from him.

The 'seds' out of which the levyer's share is due are those which are due to him and concerning which his right<sup>b</sup> has <sup>b Ir. Law.</sup> not been conceded to him; and the share for levying *is due* to him who has levied them, according to the custom of the territory where they were levied. And the 'seds' out of which



the share of intercession is due are the 'seds' which a person is not entitled to according to law, and it is certain or doubtful that it was for intercession they were given; and there is one-third for certain beseeching, or one-sixth for uncertain beseeching in the case.

The 'seds' out of which driving 'seds' are due are 'seds' which a person had in another place and he ordered him (*another person*) to go for them, or though he did not order, he approves<sup>a</sup> of it; driving 'seds' are due to the person who went for them according as he is a professional or unprofessional person, i.e., a 'screpall' to every professional, or half a 'screpall' to every unprofessional person. The driving 'seds' extend to the levying share of the territory, and do not go beyond it.

<sup>a</sup> Ir. Prefers.

If he did not order *him* to go for them at all, or if he did not prefer it (*his going*), there shall be nothing *due* to the person who went for them. The driving 'seds' are *due* when it was the owner of the 'seds' that told him to bring with him the 'seds' which he did bring; or, it is according to the quality of the person whom the owner should have sent for them, if he had not told *the man* to go for them.

That out of which a finder's share is due is the 'seds' which are wanting to a person and he does not know where they are. And the person who found them is entitled to a finder's share according to the nature of *the place where he found it, whether in a common or a place not a common.*

Half 'dire'-fine with compensation.

That is, from the unlawful physician if he has removed a joint or a sinew without taking guarantee, without warning of bad curing;<sup>1</sup> if he has done either of these, it (*the penalty*) is one-fourth fine with compensation; if he has done both, he is exempt.

Compensation *is recoverable* from the lawful physician if he has removed a joint or sinew without taking guarantee; and if he has taken guarantee, he is exempt.

The unlawful physician shall make compensation for his blood-'letting' without taking guarantee, without warning of bad curing; if he has *done* both, he is exempt.

<sup>1</sup> Without taking guarantee, without warning of bad curing. That is, getting an indemnity against liability to damages; and with notice that he was not a regular physician.

THE BOOK OF AICILL. — Slán don mórach techta a tuirpeach pola cén gabail tpeabuirí ocuṛ uproca upocheiṛí. 'Oleṣar don mórach etechta gabail tpeabuirí nama. Ír anta ata rín in inbair na raibí cneo for a cno i corp, no cia ro bi, ro tuillírtar rum cneo imarpario anto, ma poclao liaṣ coitceonn co pectaríosa a leiṣí nī bu olíṣṣeṣu. Ma ro batup cneo ar a cno i corp, ocuṛ nīr tuillírtar rum íat, ocuṛ poclant liaṣ coitceonn cuna pectaríosa a leiṣí nī bu olíṣṣeṣu, rlan íatrum anto.

Cante gell coideir colla?

O'D. 707. [1. caite aṣne in lanṣille íar? Coideir collaṣ na ṣiach.]

1. Na ceithrí lan ṣille, ocuṛ na ceithrí leit ṣille, ocuṛ na ceithrí tṛian ṣille, ocuṛ na ceithrí rmaṣṣ ṣille.

Na ceithrí lan ṣille 1. lan ṣille rírin nerum coirceosa íar mbreithemnuṛ i nupraoṛ; lan ṣille ar oinoba no ar oioarí; lan ṣille re aṛec in ríu uíṛí i rlanṣ íar nī ríolṣ; ocuṛ lan ṣille ar in nomar lo don ríolṣ; ocuṛ nomar ar oéṣmar íreic.

Na ceithrí leit ṣille; leit ṣille rírin neimnerum íar mbreithemnuṛ in nupraoṛ; leit ṣille íar mbreithemnuṛ i cain aomnain, cío re nerum cío re nemnerum; leit ṣille  
O'D. 708. rírin nī tait i lobar don [aṣgabail] bṛuṣnecht a cain patraic, cío re nerum cío re nemneram; leit ṣille ríra  
O'D. 709. [loingṣe] līṣ don ríolṣ.

Na ceithrí tṛian ṣille; tṛian ṣille rírin neram coirceosa upraoṛ i nupraoṛ, i nupraíṣell; tṛian ṣille íar mbreithemnuṛ i cain patraic, cío re nerum cío re nemnerum; tṛian ṣille ar ríer[eṣ] don ríolṣ; ocuṛ tṛian ṣille i nupraíṣell i cain aomnain, cío re narum cío re nemnerum.

<sup>1</sup>For restoring the sick man to health. This seems to apply to the case of a man that has wounded another, whom he was obliged to take to his own house to be cured. He was entitled, it would appear, to take from the invalid's friends a pledge that they would take him back if pronounced incurable.

<sup>2</sup>To the poet. That is, a pledge that his claim would be paid on the ninth day after judgment had been given in his favour; otherwise, the pledge would be forfeited on the tenth day.



The lawful physician is exempt for blood-letting without taking guarantee, or *giving* warning of bad curing. The unlawful physician is bound to take guarantee only. This is the case where there was no wound upon the body before him, (or when though there was, he increased the wound too much), if an impartial physician declares that it could have been cured more lawfully. If there were wounds on the body before him, and if he did not increase them, and an impartial physician declares they could not have been cured more lawfully, he is exempt as regards them.

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What is the pledge proportionate to the subject-matter<sup>a</sup> in dispute?

<sup>a</sup>Ir. Body.

That is, how is the full pledge known at all? The proportion to the principal *claimed as* debts.

That is, the four full pledges, and the four half pledges, and the four one-third pledges, and the four 'smacht'-pledges.

The four full pledges *are these*; viz., full pledge for an article of necessity after judgment in 'urradhus'-law; full pledge for a pauper or a stranger; full pledge for restoring the sick man to health<sup>1</sup> after having been *pronounced* incurable; and full pledge on the ninth day to the poet<sup>2</sup>; and this is a ninth for a tenth.

The four half pledges *are*: half pledge for an article not of necessity after judgment in 'urradhus'-law; half pledge after judgment in the 'cain'-law of Adamnan, whether for an article of necessity, or not of necessity; half pledge for the part that is forfeited of the distress<sup>3</sup> of farm law in the 'cain'-law of Patrick, whether for an article of necessity, or one not of necessity; half pledge for festival entertainment<sup>4</sup> to a poet.

The four one-third pledges *are*:—one-third pledge for an article of necessity of 'urradhas'-law in 'urradhus'-law, in arbitration; one-third pledge after judgment in the 'cain'-law of Patrick, whether for an article of necessity or one not of necessity; one-third pledge for a sixth to the poet; and one-third pledge in arbitration in the 'cain'-law of Adamnan, whether for an article of necessity or for one not of necessity.

<sup>2</sup> *Of the distress.* For "aṡgabail, distress," O'D. 1,456, reads "aithḡin, restitution."

<sup>4</sup> *Festival entertainment.* For "lōingḡe" which is the reading approved of by Dr. O'Donovan, O'D. 1456, has "lōiḡe."

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Na ceirpa rmaect gille; rmaect gille peectmaro do rcur  
troycei feich neiram toyceide upparoir; nupruigell ocur  
rmaect gille peectmaro; nupruigell; cain patraic, eio  
pe neapum eio pe neimnerum; rmaect gille peectmaro do  
rcur troycei; cain adomnaic, eio pe nerum eio pe neim-  
nerum; rmacht gille peectmaro ap treir don rila; rmaect  
gille peectmaro do rcur troycei feich neiram toyceide  
upparoir. Fuilleo nupin rmacht gille peectmaro co roib  
lan gille iar mbreithemnar.

In cethrumao rano dec do rcur troycei feich neimnea-  
raim upparoir, fuilleo nupin cethrumao rann dec copub  
trian gille; nupruigell. Fuilleo nupin reireo gille;  
nupruigell cupub leir gille iar mbreithemnar. Smacht  
gille eicindect do rcur troycei; cain patraic, fuilleo nup-  
in rmacht gille eicindect co roib rmaect gille peectmaro  
; nupruigell, co roib trian gille iar mbreithemnar; rmacht  
gille peectmaro do rcur troycei; cain patraic, fuilleo nup-  
in rmacht gille peectmaro co roib trian gille; nupruigell;  
fuilleo nupin trian gille; nupruigell co roib lan gille  
iar mbreithemnar.

Tairgille ap na gellaib pe pe nanta co na toraectain  
budein a forba anta; nupruigell, ocur in lan ruigill pe  
pe oicta, ocur feich; forba oicta. Ce do roireo in gell  
; forba anta, mana toyret na feich a forba oicta, ir  
eirie elaire, no comao araoi athgabala ap in ngell.  
Foigelltao ocur bleith ocur lobao do dul ina cenn. No

The four 'smacht'-pledges *are* :— a 'smacht'-pledge of one-seventh to stop fasting for debt *in the case of* an article of necessity in 'urradhus'-law in arbitration; and a 'smacht'-pledge of one-seventh in arbitration, in the 'cain'-law of Patrick, whether for an article of necessity or for one not of necessity; a 'smacht'-pledge of one-seventh to stop fasting in the 'cain'-law of Adamnan, whether for an article of necessity or for one not of necessity; a 'smacht'-pledge of a seventh in addition to a third to the poet; a 'smacht'-pledge of a seventh to stop fasting for debt *in case of* an article of necessity in 'urradhus'-law. Addition *is* to be made to the 'smacht'-pledge of a seventh until there shall be full pledge after judgment.

*As to* the fourteenth portion to stop fasting for debt *in case of* an article not of necessity in 'urradhus'-law, the fourteenth portion shall be added to until it is *made up to* a one-third pledge in arbitration. The one-sixth pledge in arbitration shall be added to it until it is *made up to* a half pledge after judgment. *As regards* uncertain 'smacht'-pledge to stop fasting in the 'cain'-law of Patrick, the uncertain 'smacht'-pledge shall be added to until it is a 'smacht'-pledge of one-seventh in arbitration, *and* until it is a one-third pledge after judgment; *as to* a 'smacht'-pledge of one-seventh to stop fasting in the 'cain'-law of Patrick, the 'smacht'-pledge of a seventh may be added to until it is a one-third pledge in arbitration; the one-third pledge in arbitration may be added to until it is a full pledge after judgment.

An additional pledge shall be given with the pledges during the period of stay, until their own forthcoming at the end of the stay in arbitration, and the full award during the period of delay in pound, and the debts at the expiration of the delay in pound. Though the pledge be forthcoming at the end of the stay, unless the amount due be forthcoming at the expiration of the delay in pound, there is 'eric'-fine for absconding *due*, or *according to others* the principles *applicable in the case of* distress, apply to\* the pledge. \* *Ir. On.* Expense of tending and of feeding and forfeiture shall be added to them. Or, *according to others*, a pledge is



## Leban Aicle.

no čena, cona bu uilur gell do gner no co tpoircea, ma  
 lucad no ma uilurca.

Uoi anta iŕ e uoi gellta; uoi gellta iŕ uoi uoičma;  
 uoi uoičma iŕ e uoi uoičma. Uoi anta in pe iapra mbi  
 athgabail ap anad ap uoi i laim cintoig. Tairgille ap  
 gellab iŕ iŕ in. Uoi gellta iŕ e uoi uoičma  
 09. in pe iapra uoičmaiteŕ; poigeltad ocuŕ bleit i cenn  
 na abala iŕ iŕ in. Iŕ coir gell do tabairt iŕ  
 na iŕ iŕ.

O'D. 709,  
 708.

Uoi uoičma iŕ e uoi uoičma; in pe iapra uoičma  
 lobad a cenn na athgabala, cupub iŕ iŕ in do beap  
 peich tap a cenn [in gill]. [Peich iŕ iŕ iŕ iŕ iŕ iŕ iŕ  
 pena, ocuŕ ima na uoičma] a uoičma uoičma; ocuŕ  
 mana beir, po buo lan gille no leč gille do iŕ iŕ  
 po uoičma neŕam no neimneŕam. i. lan gille iŕ iŕ  
 neŕam, no leithgille iŕ iŕ neimneŕam.

## Cate pochraic?

1. tŕan iŕ na beoile iŕ tŕebuiŕ ečtŕann co cenn  
 mbliatna, ocuŕ iŕ iŕ tŕebuiŕ buoile. Cechuimē  
 iŕ na maibuiŕ iŕ tŕebuiŕ ečtŕann co cenn mbliatna,  
 ocuŕ ochtmaŕ iŕ a tŕebuiŕ buoile. Ocuŕ iŕ iŕ tŕe-  
 buiŕ buoile ann, tŕebuiŕ in iŕ o mbeap na iŕ iŕ, no  
 tŕebuiŕ neich aile eturru. Ocuŕ iŕ iŕ tŕebuiŕ ečtŕann  
 ann, tŕebuiŕ in ti beap, no tŕebuiŕ aile iŕ a cenn.  
 Ocuŕ uoi nač cum a iŕ iŕ ocuŕ aile in uoi amaič ann  
 iŕ; ocuŕ ŕama uoi buo cum a iŕ iŕ ocuŕ aile, ocuŕ iŕ  
 cutŕuma po buo leo iŕ tŕebuiŕ ečtŕann ocuŕ iŕ a  
 tŕebuiŕ buoile. Ocuŕ beoile no maibuiŕ ac na iŕ iŕ

<sup>1</sup> *What is hire?* On the margin of the MS., H. 8-17, O'D. 775, opposite these words is written "eioŕe." The article seems to relate to land let out for grazing only.

<sup>2</sup> *One's own security.* The commentary here is unintelligible; it appears to be made up of different glosses mixed together. In O'D. 775, the definitions of "one's



never due until the fasting takes place, whether it be redemption or forfeiture.

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The period of stay is the period for pledging; the period for pledging is the period of delay in pound; the period of delay in pound is the period for paying the debts. The period of stay *is* the period during which the distress remains for a while in the hands of the debtor. This is the time during which addition should be *made* to pledges. The time of pledging is the time of delay in pound, i.e. the time in which payment is made; expense of tending and feeding *is added* to the distress for that time. It is right to give a pledge for the debts.

The period of delay in pound is the time for *paying* debts; —the time when forfeiture is added to distress,—and it is in that time that cross claims are brought in by way of set off<sup>a</sup> against the pledge. These are debts which are disputed and denied, and about which it is necessary to resort to the house of the judge; and if they are not *such*, a full pledge or half pledge should run with them according to their nature of necessary or non-necessary articles, i.e. full pledge for the necessary article, or half pledge for the non-necessary article.

<sup>a</sup> Ir. *In-  
stead of.*

What is hire ?<sup>1</sup>

That is, a third for the live-chattels upon the security of strangers to the end of a year, and one-sixth *when* upon one's own security. One-fourth for the dead chattels upon the security of strangers to the end of a year, and one-eighth *when* upon one's own security. And one's own security<sup>2</sup> means the security of the man from whom the 'seds' are obtained, or the security of another man for him.<sup>b</sup> And the security of a stranger means the security of a person who obtains them (*the 'seds'*), or the security of another person for him<sup>b</sup>. And the 'person out-side' in this case, is a person whose words and acts do not correspond; but if he were a person whose words and acts did correspond, there would be equal *hire* for them upon the security of strangers and upon his own security. And these are live own security," and "extern security" are just the reverse of those here given. Both copies are corrupt or defective.

<sup>b</sup> Ir. *Be-  
tween them.*

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նորոյր յա նորոյր յոր, օսյր ծա մեւի՛ նորոյր յոր յոր  
նորոյր, յորո յորոյր առ նորոյր յոր յոր, յոր ա նորոյր  
նորոյր.

Որո յորոյր յորոյր մօ յոր յորոյր առ յոր յորոյր  
նորոյր յոր յոր ա յորոյր նորոյր? Իր յոր յորոյր;  
նորոյր յորոյր յորոյր յոր ու նորոյր նորոյր նորոյր յորոյր  
նորոյր յոր յորոյր յոր յորոյր նորոյր.

Ըստ առի՛ .1. յորոյր.

.1. յորոյր յոր առի՛ յորոյր յոր յորոյր յորոյր  
նորոյր .1. յորոյր .1. յորոյր յոր յորոյր յորոյր  
նորոյր յորոյր.

Ըստ յորոյր յորոյր յոր օսյր յոր յորոյր : յոր  
նորոյր յորոյր յոր ա յոր, ա յորոյր յորոյր? Ըստ յոր  
նորոյր ա յորոյր յորոյր յոր յորոյր յորոյր յորոյր  
նորոյր .1. յոր յորոյր : յոր յորոյր յորոյր յոր ա յոր  
նորոյր .1. յորոյր յոր յորոյր. Ըստ յորոյր յորոյր  
նորոյր յորոյր յոր յորոյր յորոյր. Օր յորոյր յոր  
նորոյր, ա յոր յորոյր յոր յորոյր յորոյր յորոյր : օսյր  
նորոյր յորոյր յոր յորոյր յորոյր յոր յորոյր յորոյր, յոր  
նորոյր. Ըստ յորոյր յորոյր յոր յորոյր յորոյր, յոր  
նորոյր յորոյր, յորոյր յորոյր յոր, ա յորոյր յորոյր  
նորոյր յոր, օսյր ա յորոյր յոր յորոյր, օսյր յոր  
նորոյր յորոյր յորոյր յոր. Ռօ յորոյր յոր, յոր  
նորոյր յորոյր յոր, օսյր յորոյր յոր յորոյր. Ըստ  
նորոյր յորոյր յորոյր յոր յորոյր յորոյր, յոր  
նորոյր յորոյր յոր, օսյր յորոյր յոր յորոյր. Ըստ  
նորոյր յորոյր յորոյր յոր յորոյր, յոր յորոյր յոր  
նորոյր յորոյր յոր, օսյր յորոյր յոր յորոյր.

Sic.

<sup>1</sup> *The fine for it.* It is probable that the case, so obscurely and confusedly stated here, is when the tenant had not received the full stock from the landlord, and therefore the fine for non-payment of the rent, was not so heavy as it would otherwise have been. In O'D., 1008, it is said that when a tenant failed in paying any part of his rent, he

chattels or dead chattels which have no produce or increase, but should they have increase or produce, additional *hire* for the increase should be given with them, or their own produce *returned*.

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What is the reason that the interest given for them on the security of strangers is more than *that given* on one's own security? The reason is; it is more lawful as regards the 'seds' that what springs from themselves *should be restored* than the addition which would be *made* to them of the 'seds' of strangers.

What is pay? i.e. the price of a sack.

That is, what is the complementary pay that is given with the four sacks? i.e. this *is* a sack i.e. of one quarter *that is given* with the dead chattels of strangers to the end of a year.

What is the difference between this and where it is said; "If a sack or its value be wanting, its half or its third *is the fine* for it?" A proportion equal to one-fourth of his stock had been given to the middle 'bo-aire'-chief in this case, in 'saer'-stock tenure, i.e. where it is *said*, "If a sack or its value be wanting, its half or its third, i.e. shall be *the fine* for it." The fourth of the stock of the middle 'bo-aire'-chief had been given to the middle 'og-aire'-chief. *The amount in this case* is eighteen screpalls, his own full honor-price when he is half unworthy; and the third of this, *namely*, six 'screpalls,' *is given* to him every year during the expectation of separation. Of these, two 'screpalls' are for the beef of a cow, a 'screpall' for the bacon of a pig, a 'screpall' for an unsalted pig, its three-fourths for an unsalted pig, and one-fourth for wheat, and two screpalls for two sacks of malt. *Supposing* all these were paid, except one sack of malt, and that *the payment of* the second sack of malt was evaded, and for this evasion there is double. The sack of double is equal to half the two sacks of restitution, or a third when it is added to; hence is *derived the rule*, "If a sack or its value be wanting, its half or its third is *the fine* for it."<sup>1</sup>

was liable to a penalty equal in amount to three times the value of that part wherein he failed, besides a fine for breaking the law.

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ARAIL.

Caitte dail! Ní ardeallair.

.1. in leth ingellur neac dail, ocur muna deč, bíad rmačt  
urcraio dala uad, .i. uingí dečlaruacra, ocur leč nuingí  
do tuata. Maia nvech, noco nuil rmačt urcraio dala  
uad.

Caitte cuinóligeo iur fionb?

.1. maia geilfine do dibairtur ann, teorā cethramčana  
dibairt geilfine do veirbaine, cethruimčī diairaine ocur  
uinoraine, teorā cethramčana na cethramčana diairaine,  
ocur ā cethramčhu uinoraine.

Maia veirbaine ro dibairtur ann, teorā cethramčana  
do dibairt veirbaine do geilfine, ā cethruime diairaine ocur  
uinoraine, teorā cethramčana na cethramčana diairaine,  
ocur ā cethramčhu uinoraine.

Maia i in iairaine ro dibairt ann, teorā cethruimčī do  
dibairt iairaine do veirbaine, ā cethramč do geilfine  
ocur uinoraine, teorā cethramna na cethruime do geil-  
fine, ocur ā cethruime uinoraine.

Maia inoraine ro dibairt ann, teorā cethruimčī do dibairt  
inoraine diairaine, ā cethramčhu do geilfine ocur do veirb-  
aine, teorā cethruimčī na cethruimčī do veirbaine, ocur  
ā cethramčhu do geilfine.

<sup>1</sup> *Failure of meeting.*—This means a court or legal meeting. The fine for non-attendance was a cow. *Vid.* O'D. 1694.

<sup>2</sup> The *'geilfine'*-division. In O'D. 738, it is said that the *'geilfine'* consisted of five persons, and each of the other three *'fines'* or divisions, of four persons, making in all seventeen persons. It is also said that the *'geilfine'* is the youngest and the *'lunfine'* the oldest of these four divisions; that if a person be born into



What is a meeting? What is promised.

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That is, when a person promises to go, and unless he does go, a 'smacht'-fine for failure of meeting<sup>1</sup> *shall be recovered* from him, i.e. an ounce to an ecclesiastic, and half an ounce to a layman. If he goes, there is no 'smacht'-fine for failure of meeting *due* from him.

What is the reciprocal right among families?

That is, if it be the 'geilfine'-division<sup>2</sup> that has become extinct, three-fourths of the property of the 'geilfine'-division *shall go* to the 'deirbhfine'-division, *and the remaining* one-fourth to the 'iarfine'-division, and to the 'indfine'-division, i.e. three-fourths of the fourth to the 'iarfine'-division, and one-fourth of it to the 'indfine'-division.

If it be the 'deirbhfine'-division that has become extinct, three-fourths of the property of the 'deirbhfine'-division *shall go* to the 'geilfine'-division, one-fourth to the 'iarfine'-division and the 'indfine'-division, i.e. three-fourths of the fourth to the 'iarfine'-division, and a fourth of it to the 'indfine'-division.

If it be the 'iarfine'-division that has become extinct, three-fourths of the property of the 'iarfine'-division *shall go* to the 'deirbhfine'-division, one-fourth of it to the 'geilfine'-division and 'indfine'-division, i.e. three-fourths of the fourth to the 'geilfine'-division, and one-fourth of it to the 'indfine'-division.

If it be the 'indfine'-division that has become extinct, three-fourths of the property of the 'indfine'-division *shall go* to the 'iarfine'-division, *and* one-fourth of it to the 'geilfine'-division and the 'deirbh'-division, viz., three-fourths of the fourth to the 'deirbhfine'-division, and one-fourth of it to the 'geilfine'-division.

the 'geilfine,' so as to make it exceed five persons, this causes one of them to be sent up into the 'deirbhfine'; and in the same manner a man shall pass from one 'fine' of them up into a higher, as far as the 'innfine,' which shall send out a man into the 'duthaig ndaine,' i.e. the community. Hence it seems that these 'fines' were artificial divisions of a family made for law purposes.

<sup>1</sup> *Are then forthcoming.* This seems to mean that the four classes should be made up again out of the family, if it were sufficiently numerous for the purpose; and if this could not be done, there was to be no partition.

If it be the 'geilfine'-division and the 'deirbhfine'-division that have become extinct, three-fourths of the property of both *shall go* to the 'iarfine'-division, and one-fourth to the 'indfine'-division. THE BOOK  
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If it be the 'indfine'-division and the 'iarfine'-division that have become extinct, three-fourths of their property *shall go* to the 'deirbhfine'-division, *and* one-fourth of it to the 'geilfine'-division.

If it be the 'deirbhfine'-division and the 'iarfine'-division that have become extinct, three-fourths of the property of both *shall go* to the 'geilfine'-division, *and* the one-fourth to the 'indfine'-division.

If it be the 'geilfine'-division and the 'indfine'-division that have become extinct, three-fourths of the property of the 'geilfine'-division *shall go* to the 'deirbhfine'-division, and one-fourth of it to the 'iarfine'-division; three-fourths of the property of the 'indfine'-division *goes* to the 'iarfine'-division, and a fourth to the 'deirbhfine'-division. And the whole number of the seventeen men are then forthcoming,<sup>1</sup> and if they be not, there shall be no partition, but the nearest of *kin* shall take it (*the property*).

All the 'indfine'-division had become extinct in this case, but if any one of them had been in existence, he would take it (*the property*) when the *other* three divisions should not share it between them; but if he is not living, it is to be shared (*among the other divisions*).

If the father is alive and has two sons, and each of these sons has a family of the full number, *i.e.* four, it is the opinion of *lawyers* that the father would claim a man's share in every family of them, and that in this case they form<sup>a</sup> two 'geilfine'-divisions. And if the property has come from another place, from a family outside, though there should be within in the family a son or a brother of the person whose property came into it, he shall not obtain it any more than any *other* man of the family. <sup>a</sup> Ir. Are.

The 'geilfine'-division is the youngest, the 'indfine'-division is the oldest.

### Lebar Aicle.

táinic nech [daimarparið] anir a gailpíne, ir fep do  
pí ríar i ndeipbípíne, ocur fep do dul ar cað píne  
ile no co pía inðpíne, ocur fep do dul eipí ríe i  
ið [ndaine].

#### Cairi feoit turclarde ?

Lan log enech ar in ðaerparið, ocur pith  
l polo, lan pith ocur pith, ocur ða trian pitha  
ait na tri plaiti ðaerparið ða ðeile. Lan log enech,  
ocur trian log enech, ocur nomad loigi enech uaitið ar  
aitið. Lan enecclann ocur leð enecclann ocur trian  
neineclanni ðoib i meth a rí. Lan rímaðt ocur leð  
rímaðt ocur cethpíimí rímaðta ðoib ina fuilleo rín. Lan  
enecclann, ocur leð enecclann, ocur trian neineclanni ðoib i  
píðail lain do ðenum píu píu na ðaeraið, na teopa feðt-  
mad neineclanni ðoib i píðail lain no ðenum píu na  
ðaeraið, no a mac a ðaerðeile ; ocur noco nuil ní do a mac  
a ðaerðeile ; no ða mbeit, comad feðtmad in feðtmaid.  
Ocur noco nuil pírðiall na, na cuirpí a ðaerpaethaið.

#### Cairi comur o gíaiúð ocur uíðib ?

.1. trug raiúú i noplach, ceitíu oílaíð i mbair, teopa  
bara i truíðíú, ða truíðíú ðec i fepíaið, ða fepíaið ðec i  
fopíaið, ða fopíaið ðec i tíu cumaila ða fop, íe fopíaið  
ðia leðet, ma beit ina toimíð techtaið.

Óa lan ðec uíðí cípí a meirpín, ða meirpín ðec i noll-  
veirb, ða oillveirb ðec i noilmeðað, no i noplacraic, ða

<sup>1</sup> *The three chiefs*—Vid. "Cain Aigellue."—*Senchus Mor*. Vol. ii.



If one person has come up into the 'geilfine'-division, so THE BOOK OF AICILL. as to make it excessive\* (*i.e. more than five persons*), a man must go out of it up into the 'deirbhfine'-division, and a \* Ir. Of excess. man is to pass from one division into the other up as far as the 'indfine'-division, and a man is to pass from that into the community.

What are the returnable 'seds'?

That is, full honor-price on receipt of the 'daer'-stock, and the stock is like the property, full stock, and half stock and two-thirds of stock are given by the three chiefs<sup>1</sup> 'of daer'-stock tenancy to their tenants. Full honor-price, and one-third of honor-price, and one-ninth of honor-price *are obtained* from them (*the tenants*) on receipt of the stock. Full honor-price, and half honor-price, and one-third of honor-price *are paid as fines* to them (*the chiefs*) for failure of their food-rent. Full 'smacht'-fine, and half 'smacht'-fine, and one-fourth 'smacht'-fine *are paid* to them as an addition to it (*their food-rent*). Full honor-price, and half honor-price, and one-third honor-price *are due* to them for full trespass done to them in *the persons of* their 'daer'-stock tenants, the three-sevenths of honor-price *are due* to them for full trespass done to *them in the persons of* their 'saer'-stock tenants, or for the son of a 'daer'-stock tenant; but he (*the chief*) shall have nothing for the son of his 'saer'-stock tenant; or if he has, it shall be the seventh of one-seventh. And there is no chief of second claim, or chief of third claim in 'saer'-stock tenancy.

What is the measurement by grains and eggs?

That is, three grains *are* in an inch, four inches in a palm, three palms in a foot, twelve feet in a rod, twelve rods in a 'forrach'-measure, twelve 'forrach'-measures in a 'tircumhaile'-space in length, six 'forrach'-measures in its breadth, if it be of its lawful dimensions.

Twelve times the full of a hen-egg *is* in a 'meisrin'-measure, twelve 'measrin'-measures in an 'ollderbh'-measure, twelve 'ollderbh'-measures in an 'oilmedhach'-measure, or in an

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— ol քօնե. Ետիարս ար քիչիտ ըս լեօրճիւն մոմե, օսար ըս  
քեր ըս ըս տատար. Ետրսմա եւս ըս, օսար տատար  
լոննա ըս ըս տատար, ար ըս քատ ըս լեօրճիւն ար մօրս,  
օսար ար ըս մոլլա ա տրաճա սմբ.

C. 1880. [Conmeթer a նցոմա օսար ա քիճիա] ար ա Լոնաւ, ար  
ա քելաւ, [օսար ար ա քատա ա Ետրսմա].

.1. արս Ետրսմաւարտ ըս սաճաւ ըս ըս սաճաւ ըս  
քնոն ըս արս, ուս ուս աւիցոն ըս ար ; աճտ մա Ետ-  
քոճա Լոն ար սոն, օսար Ետ Ետ քի քոճա ըս Ետրսմա,  
քնոն Ետ. օսար քի արս ըս ութեր ըս Ետրսմա :  
Ետ քնոն ըս Ետ ըս, Ետրսմա Ետ, օսար Ետրսմա քնոն,  
օսար Ետրսմա ըս Ետրսմա ըս սոն. քի Լոն ըս քիճիաճոն  
Ետ քնոն. ար Ետրսմա ըս Ետրսմա Ետ ար, ա  
Ետ Ետ ուս ըս Ետ Ետ Ետ ար.

. արս Ետրսմա Ետ սաճաւ ըս քնոն ըս արս, քի աւի-  
ցոն ըս ար. արս ըս ար սոն քնոն. արս ըս քի  
արս, մա ըս ըս ուս ուս Ետ Ետ Ետ քոճալ քի.  
արս ըս քի ըս, մա ըս ըս ուս ուս Ետ Ետ քոճ-  
ալ սոն. արս ըս աւիցոն, մա Ետ Ետ սոն ար.  
քի արս Ետրսմա ըս աւիցոն : Ետրսմա ըս Ետ ար Ետ  
քնոն, օսար ար Ետ ուս ուս Ետ քնոն ար, Ետ  
քնոն ըս ուս արս քոճալ քի ; Ետրսմա Լոն քոն  
քնոն ըս ար Ետրսմա ; արս ուս Ետրսմա Ետ Ետրսմա  
քնոն, օսար արս ուս Ետրսմա Ետ Ետրսմա.  
օսար ար արս քի քիճիալ տոնոն ըս ութեր քնոն  
մա Ետ արս աւիցոն օ քի քի. օսար քի արս Ետ-  
քնոն ըս աւիցոն քնոն Ետրսմա քնոն ; քնոն արս  
քնոն, Ետ քնոն քնոն, օսար Ետ քնոն քնոն. Ետ  
քնոն քնոն քնոն քնոն, Ետ քնոն քնոն քնոն.

<sup>1</sup> Two 'olfeine'-measures. In O'D. 1067, half an 'olfeine'-measure is said to be  
equivalent to an 'olpatraic'-measure; and the proportions are mentioned, as six  
laymen to twelve clerics.

'olpatraic'-measure *which contains* two 'olfeine'-measures.<sup>1</sup> The Book  
 Four and twenty clerics *sit down* about it, and twelve lay-  
 men. They (*i.e. both parties*) get an equal quantity of food,  
 but double ale *is allowed* to the laymen, in order that the  
 clerics may not be drunk, and that their canonical hours  
 may not be set astray on them.

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Their deeds and their debts are estimated equally  
 from their numbers, from their herds, and from their  
 ages.

That is, if it be doubtful whether it was by them (*the  
 persons charged*) or not by them the killing was committed,  
 there is no compensation to be paid for it (*the killing*); but if  
 they both choose, or whichever of them chooses that lots should  
 be cast,\* it (*the casting of lots*) shall be *conceded* to him. And  
 the lots are cast in this manner:—three lots are put in, a lot  
 for guiltiness, a lot for innocence, and the lot of the Trinity  
 after them. This is enough to criminate or acquit them. If it  
 be the lot of the Trinity that came out, it is to be put *back*  
 each time until another lot comes out.

\*Ir. The  
 lots.

If it be certain that it was by them the killing was com-  
 mitted, compensation shall be paid for it. This *is* good for  
 them both. *It is* good for the man outside, unless he knew that  
 it was not a small animal of first offence that injured him.  
*It is* good for the man inside, unless he knew that it was not  
 a wicked animal *of his* that did the injury. *It is* good for  
 the compensation, with respect to getting payment from him  
 for it. This is the manner in which the compensation is  
 paid:—lots are cast upon each herd, and upon each animal  
 of the 'seds' of that herd, until the particular animal is  
 known which did the injury to him; so that the full *fine*  
 according to the nature of that animal is paid for it; that  
 it be not an animal of first trespass for the offence of an  
*habitually* wicked animal, or an *habitually* wicked animal  
 for the offence of an animal of first trespass. And this is done  
 for the good of the plaintiff should he be suing for compen-  
 sation from man to man. And this is the way they pay  
 that compensation between themselves within:—seven parts  
 for a person, five parts for a cow, and two parts for a horse.  
 Whenever it is seven parts for a person, cattle of full-*fine*

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ար ար օսր, օսր տեաւ 1 Կուծօսր Կօ հինօլե Լօւի մ Եր  
բանօս օլե, օսր ԿօմիԿ Ետրրս ; տեաւ ԿօմիԿ Լօւի Կօ  
հինօլե աւհչնա մ ան բանօ Ետ ար ԲԵԿԻ Եւհչնա, օսր  
ԿօմիԿ Ետրրս.

Cach սար Իր Կու Բաննա մ Բօն, Կաւ ԿօմիԿ Լաւ Եւ  
Բանօ ար ար օսր ; տեաւ 1 Կուծօսր Կօ ԿօմիԿ Լե՛՛ Կ մ Կ  
Եւ Բանօ օլե, օսր ԿօմիԿ Ետրրս ; տեաւ ԿօմիԿ Լաւ  
օսր Լե՛՛ Կօ ԿօմիԿ Եւհչնա մ Կ Բանօ Ետ ար ԲԵԿ  
Եւհչնա, օսր ԿօմիԿ Ետրրս. No Եօնօ ՇԵՆԱ, Կօմ Եւ  
Բանօ ԵԵ ԵՅ ԵԵՆԱՄ ԵՅՈՆ Եւհչն մ Եսնօ, օսր յա  
Բանօ մ Բօն, օսր յա Բանօ մ Եժ.

Cach սար Իր Եւ Բանօ ԵԵ մ Եսնօ, ԲԵՇ Բանօ ար  
ԿօմիԿ Լաւ, ԿԵՇԲ Բաննա ար ԿօմիԿ Լօւի, օսր Բանն ար  
ԿօմիԿ Եւհչնա. օսր Իր Եւլա՛՛ Բն Ետ ԿօմիԿ Լե՛՛  
օսր ԿԵՇԲ ԲԵՇԵՄ ար ԿօմիԿ Լաւ, օսր ԿօմիԿ Եւհչնա  
1 ԿԵՇԲՄԵ՛՛ ԲԵ հինօլե Լե՛՛, օսր ԿօմիԿ Եւհչնա 1  
ԲԵՇԵՄ ԲԵ ԿօմիԿ Լաւ.

Cach սար Իր յա Բաննա մ Բօն, Կու Բանօ ար ԿօմիԿ  
Լաւ, ԵԵր ար ԿօմիԿ Լօւի, Բանն ար ԿօմիԿ Եւհչնա ; օսր  
Իր Եւլա՛՛ Ետ ԿօմիԿ 1 Եր Կու՛՛ ԲԵ ԿօմիԿ Լաւ, օսր  
ԿօմիԿ Եւհչնա 1 Երսս ԲԵ հինօլե Լե՛՛, օսր ԿօմիԿ Եւհ-  
չնա [1] Կու՛՛ ԲԵ հինօլե Լաւ.

C. 596.

C. 1830. Ca՛ սար Իր յա Բանօ մ Եժ, [ԿԵՇԲ] Բաննա ար ԿօմիԿ  
Լաւ, օսր Եր ար ԿօմիԿ Լե՛՛, օսր Եւ Բանօ ար ԿօմիԿ  
Եւհչնա ; օսր Իր Եւլա՛՛ Բն Ետ ԿօմիԿ Լե՛՛ 1 ԵԵր  
ԿԵՇԲՄԵ՛՛ ԲԵ ԿօմիԿ Լաւ, օսր ԿօմիԿ Եւհչնա մ Եւ  
Երսս ԲԵ ԿօմիԿ Լօւի, օսր ԿօմիԿ Եւհչնա 1 ԼԵ՛՛ ԲԵ հին-  
օլե Լաւ.

Մա Բան ԿօմիԿ Լաւ օսր Լե՛՛ օսր Եւհչնա ԵՄ Եւլա՛՛

<sup>1</sup> Nine parts for a cow. The MS. adds here ".u. Բաննա մ Բօն, five parts  
for a cow," which is plainly a mistake.

<sup>2</sup> Four of these parts.—O'D. 1464 reads here "ԲԵՇ, seven," which is manifestly  
wrong.



pay three parts of them first, and they come into shares with cattle of half-fine respecting other three parts, and they pay *them* equally between them; the cattle of half-fine come *into shares* with cattle of restitution respecting the part that is for restitution, and they pay equally between them.

Whenever it is five parts for a cow, the cattle of full-fine pay two parts out of it at first; they come into shares with cattle of half-fine respecting the other two parts, and they pay equally between them; the cattle of full-fine and of half-fine come *into shares* with cattle of restitution respecting the part that is for restitution, and they pay equally between them. Or, *according to others*, the restitution may be divided into twelve parts for a person, and nine parts for a cow, and nine parts for a horse.

Whenever it is twelve parts for a man, seven of *these* parts are upon the cattle of full-fine, four parts upon the cattle of half-fine, and one part upon the cattle of restitution. And thus the cattle of half-fine are *in a proportion* of four-sevenths with the cattle of full-fine, and the cattle of restitution are in one-fourth *proportion* with the cattle of half-fine, and the cattle of restitution are in one-seventh *proportion* with the cattle of full-fine.

Whenever it is nine parts for a cow,<sup>1</sup> five of *these* parts are upon cattle of full-fine, three upon cattle of half-fine, and one part upon cattle of restitution; and thus the cattle of half-fine are in three-fifths *proportion* with the cattle of full-fine, and the cattle of restitution in one-third *proportion* with the cattle of half-fine, and the cattle of restitution in one-fifth *proportion* with the cattle of full-fine.

Whenever it is nine parts for a horse, four of *these* parts<sup>2</sup> are upon cattle of full-fine, and three upon cattle of half-fine, and two parts upon cattle of restitution; and thus the cattle of half-fine are in three-fourths *proportion* with the cattle of full-fine, and the cattle of restitution in two-thirds *proportion* with the cattle of half-fine, and the cattle of restitution are in half *proportion* with the cattle of full-fine.

If it be different cattle of full-fine, of half-fine, and of restitution that are *together engaged* in the killing of "a dog

### Leban Clie.

ina tri ngnim, icat inoile lain cethruimēi ocup peēt-  
to ap tur, ocup tecat a cuibuiur co inoilib leiēi im  
thruimēi ocup im peētmaō, ocup comicat etarpu.  
icat inoile lain ocup inoile leēe [i cuibuiur] co hin-  
aithgina [im cethruimēi], ocup comicat etarpu.

Ma rain inoile leēe ocup lain he, icat inoile lain  
cethruimēi peētmaō ap ap tur, ocup tecat a cuibuiur co  
hinoilib leēe im cethruimēi ocup im peētmaō, ocup comi-  
cat. Tecat inoile lain ocup inoile leēe co hinoilib  
aithgina im cethruimēi, ocup comicat etarpu.

Ma rain inoile lain ocup leēe, icat inoile lain ceth-  
ruimthe ocup oētmaō ap ap tur, ocup tecat i cuib-  
uiur co inoilib leēe im leē ocup im oētmaō, ocup comicat  
etarpu.

Maia inoile lain ocup aithgina, icat inoile lain  
teora cethruimēi ap ap tur, ocup tecat i cuibuiur co  
inoilib aithgina im cethruimēi, ocup comicat etarpu.

Maia inoile leēe ocup aithgina, peēt pando do denum  
don aithgin ann, ocup icat inoile leēe cuic pando ap tur,  
ocup tecat i cuibuiur co hinoilib aithgina im in da panno  
aile, ocup comicat etarpu. No dono čena, ata coirpouiri  
in duine ir teorai i coin na tri ngnim, co mbeiē in cut-  
puma po icpaiēea i nduine do pannaib i neccuibuiur sic  
inoti .i. da pann dec do denum de in apuōu apubpama  
pomaio ap in ecuibuiur in duine. Inoile lain, ocup leēe,  
ocup aithgina rin pomaio.

Manā uil aēt inoile lain ocup leēe, in naithgin sic doib.

<sup>1</sup> *A dog of the three deeds.* That is, tracking, seizing, and defending a person  
attacked, in certain cases. Vid. O'D. 2449.

of the three deeds,"<sup>1</sup> the cattle of full-*fine* pay a fourth and a seventh first, and they *then* come into shares with the cattle of half-*fine* respecting a fourth and a seventh, and they pay equally between them. The cattle of full-*fine* and the cattle of half-*fine* come into shares with the cattle of restitution respecting a fourth, and they pay equally between them.

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If it be different cattle of full-*fine* and of half-*fine* that have killed the dog, the cattle of full-*fine* pay a fourth of a seventh out of it (*the fine*) at first, and they come into shares with the cattle of half-*fine* respecting one-fourth and one-seventh, and they pay equally. Cattle of full-*fine* and cattle of half-*fine* come into shares with cattle of restitution respecting a fourth, and they pay equally between them.

If it be different cattle of full-*fine* and of half-*fine* that have killed the dog, the cattle of full-*fine* pay the fourth and the eighth out of it (*the fine*) at first, and they come into shares with the cattle of half-*fine* respecting one-half and one-eighth, and they pay equally between them.

If it be cattle of full-*fine* and of restitution that have killed the dog, the cattle of full-*fine* pay three-fourths out of it at first, and come into shares with cattle of restitution respecting a fourth, and they pay equally between them.

If it be cattle of half-*fine* and of restitution that have killed the dog, the compensation shall then be divided into seven parts, and the cattle of half-*fine* pay five parts at first, and come into shares with the cattle of restitution respecting the other two parts, and they pay equally between them. Or, according to others, as the body-fine of a person who is a stranger is *the fine* for the "dog of the three deeds," so the number of portions which would be paid for a person in cases of unequal division should be paid for it, i.e., as to the dispositions which we mentioned before in the case of unequal division respecting a person, they are to be divided into twelve parts. Cattle of full-*fine*, and half-*fine*, and restitution are those referred to before.

If there be only cattle of full-*fine* and half-*fine*, the compensation is to be paid by them.

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1n tainmpairnoe po icfaiur inoile lethe pe inoile laon,  
co mbeif inoile aithgina accu, cupub e in tainmpairnoe rin  
icait cuna mbeif ocur inoile laon.

Marpa inoile aithgina ocur inoile lethe uil ann, in aif-  
gin sic ann doib, ocur in tainmpairnoe po icfaiur inoile  
aithgina pe inoilib leif, co mbeif inoilib laon acu, cupub  
e in tainmpairnoe rin icait cuna mbeif ocur inoile lethe .i.  
reoit cethirapra po romann.

Marpa reoit ata rmaet ocur aithgin, ocur na fuil oipe,  
ma ta ceifri cutruma a aithgina do rmaet ann, if apura  
reoit ceifirapra; mana fuil ceifri cutruma aithgina do  
rmaet ann, if apura reoit oibulra.

Marpa mo in rmaet ina naithgin, ocur ni fuil ceifri  
cutrumur na aithgina ann, ocur in tainmpairnoe rin  
don aithgin ber ar inoilib aithgina; ocur a fuil ann o  
ta rin amach ar inoilib laon ocur lethe.

Marpa mo in aithgin ina in rmaet, in tainmpairnoe  
goibef in rmaet bec rin naithgin moir, cupub e in tainm-  
pairnoe rin don aithgin ber ar inoilib aithgina; ocur a  
fuil ann o ta rin amach ar inoilib laon ocur lethe; ocur a  
comic doib etarpu.

Marp aipe do cuatur do cum in breitheman, diairpaigno  
cinthar icfaiur in eccuibthuir, ifeo if coir don breithemain  
ann a pas; icao fer na haen bo cutrumur pe fer na mbo  
inora. Ma cuibthuir do cuatur, if coir don breithemain  
a pas; icao fer na oen bo cutruma pe haen boin do buaib  
fir na mbo inora.

Cach cin co cintach.

.1. cein ber cintach i crič noco olegar inbleogain bra-



The proportion which cattle of half-fine would pay *in relation* to cattle of full-fine, there being cattle of restitution with them, is the proportion which they (*cattle of half-fine*) pay when they are with<sup>a</sup> cattle of full-fine only.

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<sup>a</sup> Ir. And.

If it be cattle of restitution and cattle of half-fine that are concerned in it (*the killing*), the compensation shall then be paid by them, and the proportion which cattle of restitution would pay *in relation* to cattle of half-fine, they having cattle of full-fine with them, is the proportion which they shall pay when they are with the cattle of half-fine only, i.e. the above were 'seds' of four degrees.

If it be a 'sed' which has 'smacht'-fine and restitution, and has not 'dire'-fine, if there be four times as much of 'smacht'-fine as there is of restitution for it, it has the graduation of a 'sed' of four degrees; if it has not four times as much of 'smacht'-fine as it has of restitution, it has the graduation of a 'sed' of double.

If the 'smacht'-fine be greater than the restitution, and is not equal to four times the restitution, that proportion of the restitution shall be upon the cattle of restitution; and what there is from that out *shall be* upon the cattle of full-fine and of half-fine.

If the restitution be greater than the 'smacht'-fine, the proportion which the little 'smacht'-fine bears to the great restitution, is the proportion of the restitution that shall be upon the cattle of restitution; and what there is from that out *shall be* upon the cattle of full-fine and half-fine; and they pay equally between them.

If it was for this they went to the Brehon, to ask how they should pay the unequal proportions, what the Brehon ought to say is; "Let the owner of the one cow pay as much as the owner of the many cows." If it be *in a case of* equal proportions they went, it is right for the Brehon to say: "Let the owner of the one cow pay as much as one cow of the cows of the owner of the many cows."

Every crime to the criminal.

That is, as long as the criminal is in the territory it is not lawful to sue his next of kin or his kinsman surety, but

## Leban. Aicle.

na paťa vacpa, ačt toicheo aip pein po aicneō a  
; ocur athgabail do gabail de; ocur poiſgeltaō ocur  
ocur lobaō do ōul ina cenn.

na puil i epuč itip he, no ce na beič, mana puilit  
; aiei, ma po leicitar elō, a poſa don peichemain  
heōa in inbleoſan brathar no paťa aiceper; ocur cio  
dib acpaſ, ip leiſ a poſa; ačt maſ e a poſa inbleoſain  
ip vacpa, ietap in uiliatao uile pſ. Ocur maſ e  
inbleoſain paťa [vacpa], noco nictap ačt maō  
athgin.

Cio potepa cač uair ipe a poſa inbleoſain brathar  
xepa co nictap in uiliatao uile pſ, ocur cač uair ipe a  
poſa inbleoſain paťa, co na ietap ačt maō cept aithgin?  
ipe pač potepa; inbleoſain paťa nocop gaburtap ſaiōe do  
laim ačt maō ic no tobač, ocur coip cen co hicaō ačt maō  
cept aithgin, no co po leicea pein elō.

Inbleoſain brathar imoſpo, nocop gaburtap ſaiōe do  
laim itip ic no tobač, ačt aſuul po ſoiſpo čuici iap  
ceimennai, ocur coip cia no icat in uilicetaro uile, uair  
diablaō cintaiſ iſſi aithgin inbleoſain.

Maſ e a poſa inbleoſain paťa vacpa, noco nicanu ačt  
cept aithgin ineich pſ i nočāio, no co leicea pein elō,  
ocur icat inbleoſan brathar ōigbail laime pe hinbleo-  
ſain paťa.

Maſ e a poſa inbleoſain brathar vacpa, icat pſ in  
uiliatu po ōlečt ano, uair uiliatu cintaro iſſi aithgin  
gill inbleoſain; ocur in tan tic cintāč pe ōligeo, icat  
ōigbail laime pe hinbleoſain.

Mana puil i epuč itip he, ačt ma tait peoit aiei iſſi  
epuch, a poſa don peichemain toicheōa in iat a peoit gebur  
o muo gill, no inbleoſain brathar no paťa aicepur.  
Maſ e a poſa a peoit do beič ina laim o muo gill, a caithem  
a lačta no a ſnimpai, ocur poiſgelc ocur bleič do ōul ina  
cenn, ocur noco teit lobač. Maſ e a poſa inbleoſain  
brathar, ip a beič maſ aoubpamap romaino.

Truan do aipget in cač eipuc.

.1. o bur epia compaiti, no epia anpoſ ſeiſgi innoičbipe

to sue himself according to his rank ; and to make a distraint upon him ; and to let expense of feeding and tending, and forfeiture accumulate upon it (*the distress*). THE BOOK  
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If he is not in the territory at all, or though he be, unless he has 'seds,' or if he has absconded, the plaintiff has his choice whether he shall sue the next of kin or the surety ; and whichever of them he sues, he has his choice ; but if it be his choice to sue the next of kin, the entire claim is paid him. And if it be his choice to sue the kinsman surety, proper compensation only shall be paid him.

What is the reason that whenever it is his choice to sue the next of kin, the entire claim is paid him, and whenever it is his choice to sue the kinsman surety, only proper compensation is paid him ? The reason is ; the kinsman surety had not undertaken to do *ought* except to pay or levy, and it is right that he should not pay but proper compensation, unless he should himself abscond.

The next of kin, however, had not undertaken at all to pay or to levy, but as it would come to him in course, and it is right that he should pay the entire claim, for "the compensation of the next of kin is double that of the defaulter."

If it be his choice to sue the kinsman surety, he pays but exact compensation for the thing for which he went *security*, unless he should himself abscond, and the next of kin shall pay the emptying of his hand to the kinsman surety.

If it be his choice to sue the next of kin, he (*the next of kin*) shall pay the entire of that which was due in the case, for the whole liability of the defaulter is the restitution of the kinsman's pledge ; and when the defaulter submits to law, he shall pay the emptying of his hand to the kinsman.

If he (*the defaulter*) is not in the territory at all, but has 'seds' in the territory, the plaintiff has his choice whether he shall seize his 'seds' after the manner of a pledge, or sue the next of kin or the kinsman surety. If it be his choice to have his 'seds' in hand after the manner of a pledge, he may use their milk or their labour, and expense of feeding and of tending accumulates upon them, but forfeiture does not. If it be his choice to sue the next of kin, it is to be as we have said before.

One-third is sued in each 'eric'-fine.

That is, when it is intentionally, or inadvertently in

<sup>2</sup> *And the inquirer.* The marks of aspiration over the *g* and *o* in the Irish word, *uapraigíó*, are in different ink and of a different form from the usual marks of aspiration in the MS. They are evidently by a later hand.



unlawful<sup>a</sup> anger the wounds are inflicted, a proportion of THE BOOK OF AICILL. one-third body-fine for every wound shall be incurred in the case for each 'aenach'-injury<sup>1</sup> as far as three 'oenach'-injuries, when no limb has been removed; but if a limb has been removed, it is for four 'aenach'-injuries *it is due*; or, the eighteenth part of body-fine *is paid* for a wound in every 'aidbred'-injury as far as eighteen 'aidbred'-injuries, without removal of a limb; but if there has been removal of a limb, it is *paid for as many as twenty-one* 'aidbred'-injuries.

<sup>a</sup> Ir. unnecessary.

<sup>b</sup> Ir. Without cutting off a limb.

If it (*the wound*) was inflicted inadvertently in lawful<sup>c</sup> anger, the proportion of a third of half body-fine shall be incurred for it for every 'aenach'-injury till it reaches three 'aenach'-injuries; *this is*, without removal of a limb. And if there be removal of a limb, it extends as far as four 'aenach'-injuries; or the eighteenth part of half body-fine for every wound as far as eighteen 'aidbred'-injuries *shall be paid*, when there has been no removal of a limb; and if there has been removal of a limb, it is *paid for as many as twenty-one* 'aidbred'-injuries.

<sup>c</sup> Ir. necessary.

The day which runs for an 'aenach'-injury does not run for an 'aidbred'-injury. The day which runs for an 'aidbred'-injury does not run for an 'oenach'-injury; and though it should be desired that it should run for them both at once, it does not run but for either of them. And there is no after-judgment from a 'daer'-man, unless a limb has been removed, and when it has, the portion of sick-maintenance or compensation which is *due* for it runs for one 'aenach'-injury or for three 'aidbred'-injuries. And it was not for the purpose of exposing the blemish the 'aidbred'-man made the inquiry in the case, with knowledge or without knowledge of bad cure by the physician; and if it were, the 'eric'-fine for exposure of the blemish would be *due* for it besides.

If it was for the purpose of exposing the blemish that the inquirer made the inquiry, the physician is exempt in the case, and the inquirer<sup>d</sup> shall pay 'eric'-fine.

If it be in consequence of bad curing with the physician's knowledge, the testing time is not taken into consideration with respect to it, but it (*the 'eric'-fine*) is always to be paid *at once*.

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Μαρ την φυρφυρτο ποδλειγυρ can ρυρ το λιαγ, acc μαρ  
ρε ρε νιυβαλε τανκατυρ ρυρ ιατ, ιρ α ειρικ οic το λιαγ ρο  
αινετο μιυαig techta no etechta, co ρρεαβιρυ.

Μαρ ιαρ ρε νιυβαλε, ιρλαν; cein βειθιρ oc ιn λειγυρ  
noco νιcτάρ ιn τιαρμβρειc[emh]ιρ; ocυρ o ταιργεβα ιn  
λειγερ, ιρ ann ατά ρé νιυβαλε το ριαγαιτ ρυρ.

Μαρ τρια φυρφυρτο ποδλειγυρ co ρυρ το λιαγ, ιρ α ic  
το αηυιλ το βερτο o λαιm. Μαγα ποδλειγερ, ιρ α ic το  
λιαγ ρο αινετο μιυαig techta no etechta.

Λειτ ειρικ caich α coιρ, α λαιm, α ρυιλ, α τενγαιγ.

.1. Μα ρο βενατ α λεcδoy, no α λεclam co lan λυτh το  
ουιne, no λεclbel, no τενγα cu νυρλαβρα, no ρρον co  
mbolcunugato, no ρυιλ co νιmciριn, no cluap co νειρτωcτ,  
ιρ λεth coιρποιρe (ι. αρ αθειcδe) ann; ιρ λεc αιτhγιn ocυρ  
ιρ lan eneclann το ann. Ocυρ ιρ ceτραιγ co mβεc lan ιρiν  
mbel, ocυρ ιρiν ρρωiν, ocυρ ιρiν τενγαio; ocυρ ciο μιυiuc  
βενταιρ ball λεth αιτhγιnα αρ ραιne ρεcτ, (no ρειργι ταν-  
αιρci), βιαio ρiν το.

Μα ρο βενατ οα ball λεc αιτhγιnα α nenecτ oe, τρε en-  
ρειργ, lan coιρποιρe ann ocυρ lan eneclann ocυρ αιτhγιn  
comlan. Ocυρ ciο meinic βενταιρ οα ball λεc αιτhγιnα  
oe α nenecτ, noco βια ιnσciβ acτ ρiν. Τρι ραιne ρειργι  
[βενατ] oe ιατ ρiν.

<sup>1</sup> *They came against him.* That is, his wounds became troublesome to him.

<sup>2</sup> *A foot, a hand, an eye, a tongue.* In a fragment of this article in C. 631, a ques-  
tion and answer to the following effect, are given: "When is there full 'eric'-fine  
for a foot or a hand? Full 'eric'-fine is *due* for each member of these when he (*the*  
*injured party*) has but one eye, or one foot, or one member of half compensation."

<sup>3</sup> *According to his intention.* The Irish for this phrase is an interlined gloss by  
a later hand.

If it was in consequence of bad curing without the physician's knowledge, and if it was within the time of testing they came against him,<sup>1</sup> the 'eric'-fine is to be paid by the physician, according to his rank of lawful or unlawful physician, with security.

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If it be after the testing time, he (*the physician*) is exempt; while the cure is being made the after-judgment is not paid; and when the cure shall have been finished, it is then the testing time is the rule respecting it.

If it is in consequence of bad curing with the physician's knowledge, he is to pay as if he (*the physician*) inflicted *the wound* with *his own hand*. If it be bad curing, it is to be paid for by the physician according to his rank of lawful or unlawful physician.

Half the 'eric'-fine of every person *is to be paid* for a foot, a hand, an eye, a tongue.<sup>2</sup>

That is, if a person has been entirely deprived of the use of one leg, or one hand, or of one lip, or of his tongue, so as to lose<sup>a</sup> his utterance, or of his nose, with the sense<sup>Ir. with.</sup> of smell, or of the sight of<sup>b</sup> an eye, or the hearing of an<sup>Ir. An</sup> ear,<sup>eye with</sup> he is entitled to half body-fine, i.e. according to his (*the assailant's*) intention;<sup>sight.</sup> and half-compensation and full<sup>Ir. An</sup> honor-price for it (*the injury*) are *due* to him. And<sup>ear with</sup> it is the opinion of *some* that there should be full 'eric'-<sup>hearing.</sup> fine for the mouth, and for the nose, and for the tongue; and as often as a person shall have been deprived of a member for which half compensation is due,<sup>a</sup> the occasions being<sup>Ir. Of</sup> distinct, (or in second anger),<sup>half com-</sup> that *fine* shall be *paid* to him.<sup>pensation.</sup>

If a person shall have been deprived on the same occasion of two members for which half-compensation is due, and through one *fit of anger*, full body-fine, and full honor-price, and full compensation *shall be paid for it*. And however often a person is, on the one occasion, deprived of two members for which half compensation is due, only that *amount* shall be *paid* for them. Through a different *fit of anger*, they were cut off him.

<sup>a</sup> Or in second anger. The Irish for this also is an interlined gloss by a later hand.

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Μα περσο cneo αρ in notan αρ α αιλε, ιρ coirpτοιρι  
ocur enecclann ann po truma na cneoi το, ocur αιτηγιη, no  
ετοιμτοιβε baill.

Μα πο μαρβαο he αρ α αιηλε ρη, pect cumala ι neap-  
peapao cuip ρη hanmair, uair pect α coip ocur anam.

Μα πο benao α cluar co neiptect το ουιue, ιρ leē coirp-  
τοιρι, ocur ιρ leiē enecclann, ocur ιρ leē αιτηγιη; no dono,  
co na beiē in αιτηγιη ιτορ, uair ιρ α lenmair in ειρτεετα  
bir; no dono čena, comao coirpτοιρι ocur enecclann po  
truma na cneoi.

Μα πο benao mepa α čop no lam de, ιρ lan coirpτοιρι  
ocur ιρ lan enecclann ocur αιτηγιη comlan; ocur ci το ιατ  
α mepa uile bentap de, noco nuil nι ιρ mo na ρη ano.

Cutpuma ι mepair na coip; no, cumao mepa na coip  
aħuul mepa na lam; no dono, cumao cutpuma in caē mep  
το na ρη mepair uile, cenmota in opota; uair opota na  
coip aħuul όρτου na laime; ocur cia no bentα α lam o ča  
gualaino το ουιue, ιρ inano το ocur po bentα de hi ac  
apoeil; ocur cia po bentα α čop o ča α glun de, ιρ inano  
το ocur po bentα de hi ιca atbpono.

Μα πο pacao nι ba luth ιρην coip no ιρην laim, no ba  
himciρη ιρην tuil, no ba boltnugaδ ιρην tρpόin, no ba  
ειρτεετ ιρην cluair, no ba uplabpa ιρην tenzair, ceth-  
puime coirpτοιρι, ocur cethpuime αιτηγιη, ocur leē ene-  
clann ann το caē ουιue ιτορ ipel ocur uapal, ocur ramairc.  
Ar ρon αιτηγιη ιρην laim, oēt pcpairill dec pa το, α hoēt  
dec oib ιρην opotain α aenup; α hoēt dec aile acut an-  
pice; nae pcpairill oib ιρην mep pata ιρην laim deip, no  
ιρην mep mibairg ιρην laim ci; nae pcpairill acut an-  
pice; ρη pcpairill cach mep το na ρη mepair aile.

<sup>1</sup> *The maimed person.*—For “notan” of the MS., Dr. O'Donovan conjectured  
“notap.” The term “otap.” means “a sick person.”



If a wound was afterwards inflicted on the maimed person,<sup>1</sup> body-fine and honor-price *shall be paid* to him for it according to the severity of the wound, and compensation, or the separation of a member.

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If he was killed after this, seven 'cumhals' *shall be the fine* for killing<sup>a</sup> him, for *there are* seven 'cumhals' for body and soul.

<sup>a</sup>Ir. Separating body from soul.

If a person be deprived of his ear with hearing, half body-fine, and half honor-price, and half-compensation are *due for it*; or, *according to others*, there may be no compensation at all, for it is following of the hearing it is; or, *according to others*, it may be body-fine and honor-price according to the severity of the wound.

If the toes of his feet, or *the fingers* of his hands have been cut off a person, full body-fine, and full honor-price, and full compensation are *due*; and even though it be all his fingers that have been cut off him, there is no more than this for it.

*There is the same fine for each of the toes of the feet*; or, *according to others*, the toes of the feet are *paid for* as the fingers of the hands; or indeed, there is the same *fine* for each of the three toes, except the big-toe; for the big-toe of the foot is like the thumb of the hand; and though the arm should be cut off a person from the shoulder, it (*the fine*) is the same to him as if it were cut off him at the elbow; and though his leg were cut off him from his knee, it (*the fine*) is the same to him as if it were cut off from the ankle.

If any of its power has been left in the foot or in the hand, or of its sight in the eye, or of its sense of smell in the nose, or of its hearing in the ear, or of its utterance in the tongue, *the fine is* one-fourth of body-fine, and one-fourth of compensation, and one-half of honor-price for it to every person whether low or high, and a 'samhaise'-heifer. As compensation for the hand, twice eighteen 'screpalls' are payable, eighteen of them are for the thumb alone; eighteen more remain with you then; nine 'screpalls' of these are for the long finger of the right hand, or for the middle finger of the left hand; nine 'screpalls' remain with you then; three 'screpalls' are for each finger of the three other fingers.

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Մա թօ ԲԵՆՈՏ ԲԱՐԻ Ա ՄԵՈՐԻ Օ ԲՈՆ ՆԱ ԻՆԴՅԵ, Օ ԺԱ Ա  
ՏՈՒԲԱՆ ԴՄԱՐ ՏԵ, ՇՈՐՔՐՈՒՄԻ ՕՇՐ ԵՆԵՇԼԱՆՆ ԹՕ ՇՐԱՄԱ ՆԱ  
ՇՆԵՐԻ; ՆՈ ՄԱ ԹՕ ԴԵՐԱՏ ԲԱԼԻՍԶԱԾ ԱՐ ԱՇ ԲԱՐՈՆ Ա ԻՆԴՈ  
ՏԵ, ԻՐ ԵՐԻՇ ԲԱԼԻԶԷ ԴՈ ԱՆՈ. ՄԱՐ Օ ՏՈՒԲԱՆ ԴՄԱՐ ԹՕ ԲԵՆՈՏ  
ՏԵ Ա ԻՆԶՈ, ԵՐԻՇ ԲԱՆՆ ԲԵՐՄԵ ԱՆՆ, ՕՇՐ ԻՆԶՈ ԵՐՇ ԴՈՆ ՇԻՄ-  
ՐԱՆԱՇ ԱՐ ԴՈՆ ԱՇԻՇԻՆԱ, ՄԱՐԱ ՏԵ ԴՈ ԲԵՆՈՏ.

Ma po benad a leŧ polt no a lan polt vo vuine, leŧ  
corppuine ocur leŧ aithgin ocur lan enecclann.

Μα ποθεν α βρα υαεταρ α pul το θυνη, κορπορι οcur  
eneclann ann πο τυμα να cνειοι; no, cumαο leε κορπο-  
ρι οcur leε eneclann ανo, μα colaro; οcur mana  
colaro, ιr lan κορπορι, υαιr ηι beo θυνη cen collaro.

Μαγα ὑππανθουρ το λεῖ πολτ no το lan πολτ no benac  
 we, in ταινμπαιnde το λεῖ πολτ no το lan πολτ no benac  
 we, curab e in ταινμπαιnde ριν το λεῖ coirpoupe ocur το  
 λεῖ αιθηζιν ocur το lan enecclann ber ann.

Դա եւս արդ երեսնեմ, ու արդ յայնժաւ զօ Լոմա՞, օգր  
բժշտա՞ր նեղեցա՞մք; օգր արքայա՞ր բժշտա՞ր ու զօ Բո  
ժաշիցի տաճարա՞ր արդ յայնժաւ զօ Լոմա՞ր բժի ու երես-  
նեմ. Ին յայնժաւ թա՞նք բիւիւր ժաշիցի արդ յայնժաւ զօ  
Լոմա՞, սոցի արդ մեղեմք, ու արդ յայնժաւ զօ Լոմա՞.

Դա եւս ւրոյն երոշեալ, որ ւրոյն յնշարտ եւ Լուստ, օգր  
բժշտաւ երեւալոյն; օգր բժշտաւ որ եւ եւ յաւիտ  
տարաբար ւրոյն յնշարտ եւ Լուստ. Նո ւրոյն մեանեալ,  
որ ւրոյն յնշարտ եւ Լուստ; որ յաւիտ թաղ բիւշտաւ  
տարաբար ւրոյն յնշարտ եւ Լուստ.

<sup>1</sup> *Lump-blow.*—That is, a blow which produces a lump on the part struck.

<sup>2</sup> *The white blow.*—That is, a blow which does not produce a lump, or cause bleeding or discolouration.

There are three 'screpalls' for cutting the lowest joint, two 'screpalls' for the middle joint, and one 'screpall' for it (*the injury*) for the upper joint.

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If the top of his finger has been cut off him from the root of the nail, or from its black upwards, body-fine and honor-price are paid for it, according to the severity of the wound; or if bleeding was caused in cutting off his nail, he shall have 'eric'-fine for bleeding on account of it. If it was from the black upwards his nail was cut off him, there shall be 'eric'-fine for a white blow on account of it, and a wing-nail shall be given to the harper by way of compensation, if it was off him, it (*the nail*) was cut.

If half his hair or the whole of his hair has been cut off a person, half body-fine and half compensation and full honor-price shall be paid for it.

If the upper lids of his eyes have been taken off a person, body-fine and honor-price shall be paid for it according to the severity of the wound inflicted; or, according to others, it (*the penalty*) may be half body-fine and half honor-price for it, if he sleeps; but if he does not sleep, it (*the penalty*) is full body-fine, for a person cannot live<sup>a</sup> without sleep.

<sup>a</sup> Ir. Is not  
alive.

If it be a part of half his hair or of the whole of his hair that has been cut off him, the proportion of half hair or of whole hair that has been cut off him, is the proportion of half body-fine and of half compensation and of full honor-price that shall be paid for it (*the cutting*).

Two cows are paid for the lump-blow,<sup>1</sup> or for the shaving bare, and the seventh of honor-price; and the fine for the shaving bare exceeds the fine for the lump-blow by the equivalent of the seventh of the two cows to be given as<sup>b</sup> compensation. The twenty-first part of compensation is the fine for the shaving bare, and an ounce for the white-blow,<sup>2</sup> or for the shaving without making bare.

<sup>b</sup> Ir. Of.

Two cows are paid for the lump-blow, or for the shaving bare, and one-seventh of honor-price; and there is one-seventh of the two cows due as<sup>b</sup> compensation additional for the shaving bare. A cow is paid for the white blow, or for the shaving without making bare; one-and-twentieth part of compensation additional for the shaving without making bare.

Leban Circle.

κ Καὶ οὗτοι δεῖξτε ἀπαρρηγοῦντες ὅτι καὶ ἐν ταῖς ἐκκλησίαις οὐκ ἔστιν ὁμοθυμαδὸν ὁμοφρονία ἐν τοῖς ἁγίοις. ὁμοφρονία ἐν τοῖς ἁγίοις ἐστὶν ἡ ἐν ἡμῶν ὁμοφρονία. ὁμοφρονία ἐν τοῖς ἁγίοις ἐστὶν ἡ ἐν ἡμῶν ὁμοφρονία. ὁμοφρονία ἐν τοῖς ἁγίοις ἐστὶν ἡ ἐν ἡμῶν ὁμοφρονία.

Eipic giunta co lomao a ciabaib na eporan, ocur na  
reoloc, ocur na ningen mael, ocur i cañair a puipe, ocur a  
pinopao a malaē, no cañir, no pepoc no a nulca na peap-  
ir eipic giunaro co lomao no cen lomao doib ann ; no,  
comao eipic leñ puile no lan puile doib a nupia ; no done,  
co na beñ panto doib itur dañgin i necoie inoligtaē

Ocup cia no benta a baill leñ aithgina uile i naenpeñt  
lan coirpñpñi ocup lan aithgin ocup lan enecclann  
no moñtib.

5. **CPD. 1964.** [Map i a uirion po benað ar in tuinne, lan coirproure ocur  
lan encelann, ocur aithgin comlan do intib. Na harrne  
toile, ocur in toil feit, ciu be oib bentar ar tur, ir  
ann ata in coirproure comlan, ocur coirproure po truma  
na cneide ir in ni bentar de po deoig. Map i a uirgi  
cle po benað ar ar tur, ir lan coirproure, uair ir uaiti  
ata in geineñain; ma a uirgi ðep, ir coirproure po cut-  
puma na cneðe. Daine dia poñnat rin, ocur do gni  
clannugad doib. Ma daine do na poñnat, ocur na denat  
clann doib, amail ata penoir uiblidhe no pep hraið, ni  
fuil doib intib æt coirproure po truma na cneide.

O'D. 1968.    Μα εναν cumach cen letpað cen cneð, ιρ a ptoail tipe  
ocur aiteina pein; μα το πατ ιμυρπο ιν εναν comac



What is the difference between this, i.e. between *the shaving of the hair*, and where it is said:—*For shaving of the belly of any women through wantonness there is incurred two-thirds of the fine for seducing her?* That is, they have to pay in this case body-fine for her injury as 'eric'-fine for shaving bare, or without making bare, and she has honor-price above for her violation.

'Eric'-fine for shaving bare is paid for the false locks of the poets, and of the 'scoloc'-persons, and of the shorn girls, and for the lashes of their eyes, and the hair of their brows, or for the hair, or the beard or the whiskers of the men. It is 'eric'-fine for shaving bare, or not shaving bare that shall be paid to them in this case; or, according to others, 'eric'-fine for half hair or full hair shall be paid them for the hair of the head; or indeed, according to others they shall have no part of compensation for an unlawful visage.

And though all his members entitled to half compensation should be cut off a person on one occasion, he shall have full body-fine only, and full compensation and full honor-price for them.

If it is his virile member that was cut out of a man, he shall have full body-fine, and full honor-price, and complete compensation for it. As to the glands of desire, and the sinew of desire, whichever of them is cut out first, there is complete body-fine for it, and body-fine according to the severity of the wound for that which is cut off him last. If it was his left testicle that was cut out of him first, it (the penalty) is full body-fine, because it is from it generation proceeds<sup>a</sup>; if it be his right testicle, it (the penalty) is body-fine according to the severity of the wound. This is in case of people to whom they are of use, and whom they serve in procreating. If they (the persons mutilated) be people to whom they are not of use, and for whom they do not procreate, such as a decrepid old man or a man in orders, there is nothing due to them for the loss of them, but body-fine according to the severity of the wound.

If it be a case of bone-breaking without rending or wounding, it (the penalty) is a division of 'dire'-fine and compensation itself; if, however, the bone-breaking has caused a



wound, it is *a case of* body-fine according to the nature of the wound, and his division of honor-price when it is greater than his own division of 'dire'-fine and compensation.

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They are all brought into sick-maintenance, except the *wounded in* anger.

That is, they are all brought to the noble relief of food and medical attendance, *i.e.* the persons who are not exceptions from sick-maintenance.

When it has happened by design, or inadvertently through anger, whether it be lawful<sup>a</sup> anger or unlawful<sup>b</sup> anger, food and medical attendance shall be *supplied* to him till he (*the wounded man*) reach his house.

<sup>a</sup>Ir. Necessary.  
<sup>b</sup>Ir. Unnecessary.

All the persons who are not exceptions from sick-maintenance, if the wounds were inflicted on them through design or inadvertently in unlawful anger, are not to be brought out into sick-maintenance, but food and medical attendance *shall be supplied* to them till they reach their houses.

If *the wounds were inflicted* inadvertently without anger, or through play, or through unnecessary profit, they (*the wounded*) are to be brought into sick-maintenance, save the exceptions from sick-maintenance; for if they be such, whatever section of the *law of* 'eitge'-crimes the wounds inflicted on them come under, they are not to be brought out into sick-maintenance, but food and medical attendance *shall be supplied* to them till they reach their houses; or, *according to others*, the price of sick-maintenance *shall be given them*.

If it be living laceration of cattle.

That is, from the hound of first trespass belonging to a native-freeman these divisions<sup>1</sup> of *fines* following are due; or *they are due* from a native sensible adult in a case of unnecessary profit, or from a 'daer'-man through design. And the owner of the hound has his choice whether he shall pay this, or forfeit the hound; and should it be his choice to forfeit the hound, it (*the fine*) will take effect for its first offence in 'urradhus'-law.

## Lebar Aicle.

eða na þob aīanl eneb na þaoine, o ēa þar co þann  
no o þar co enoic þeim.]

Þr þre compaiti no anþot þeirgi inþeiðþiri þo þeræ  
x eneða] orpa, þin ar þon aithgina, ocyr a ceitþi cut-  
ar þon þiri, yr na þetab cethþamþa þin ar þon  
ihkina, ocyr a cutþuma ar þon diablaþ yr na þetab  
ilta.

Maþ þre anþot þeirgi þeiðþiri, þin ar þon aithgina ocyr  
a þa cutþuma ar þon diablaþ yr na þetab cethþumþa,  
no a leð cutþuma ar þon diablaþ yr na þetab diablaþa.

Leið þiri in þuib ina epoli þar, ocyr lan neneclainni þa  
tigeria; þa þuan in leið þiri ina epoligi cumailc, ocyr  
leð enecclann þa tigeria. A þuan ina manþraiz þe þet,  
ocyr þuan neneclainne þa tigeria; cutþuma þeirþo  
að, no þeðþmaþ co na tabairt þr yr an inanþraiz þeð  
þet.

Ciþ þar a þuiliugaþ na þob? In tainþþraintþe gabait  
na ciuc þeoiþ a coirþþre maþþa in þuine, cupub e in  
tainþþraintþi þin þo þire aicintþa in þuib þer ina þuiliugaþ.  
Re eneþab in þuine þiaþailþer eneþa na þob o þar co  
þan þeim; no o ēa þar co enocþeim; no comþo o þar co  
þuiliugaþ.

O þur þra compaiti no þra anþot þeirgi inþeiðþiri  
C. 1775. [þo þeræþ na eneþa], in tainþþraintþi þa [lan] coirþþiri þo  
þiaþ þo co na þerþain aþ þein, cupub e in cutþuma þin þo  
O'D. 1967. þiri in þreoiþ þein þer ina þerþain ar in þob, ciþ þob [yr  
O'D. 1967. lú ciþ þob] yr cleiþi; ocyr in [tainþþraintþe] þeinecclainn  
þo þiaþ þo conþ þerþain aþ þein, cupub e in tainþþraintþe  
þin þa enecclainn þer þo co na þerþain ar in þob yr cleiþi,  
ocyr a leð ina þerþain ar in þob yr lu.

<sup>1</sup> *Double fine.*—For 'þiablaþ', of the text O'D. 1967, read 'þire'; and also for  
'þiablaþa' in the next paragraph.

<sup>2</sup> *A tent-wound of six 'seds.'*—That is, a wound requiring the use of lint in its  
treatment, and the penalty for which wound would be six 'seds.'



The wounds of beasts *are* as the wounds of human beings, THE BOOK OF AICILL.  
from death to white blow, or from death to lump-blow.

If it was through design or inadvertently in unlawful anger the wounds were inflicted on them, that *shall be* for compensation, and four times as much for 'dire'-fine, *i.e.* for the animals of quadruple *compensation* by way of compensation and as much by way of double-fine' for animals of double *compensation*.

If it was inadvertently in lawful anger, that *shall be* for compensation, and twice as much as double *fine* for animals of quadruple *compensation*, or half as much as double *fine* for animals of double *compensation*.

Half the 'dire'-fine of the animal *is due* for its death maim, and full honor-price *is due* to its owner; two-thirds of its half 'dire'-fine for its 'cumhal'-maim, and half honor-price to its owner. A third *is due* for its tent-wound of six 'seds,'<sup>2</sup> and one-third of honor-price to its owner; the equivalent of one-sixth or one-seventh *is due* for inflicting upon it a tent-wound of seven 'seds.'

What shall be *paid* for drawing the blood of animals? The proportion which the five 'seds' bear to the body-fine for the killing of the human being, is the proportion of the natural 'dire'-fine of the 'sed' that shall be *paid* for drawing its blood. By the wounds of the human being the wounds of the animals are ruled from death *down* to a white blow; or from death to a lump-blow; or it may be from death to drawing of blood.

When it is by intention or inadvertently in unlawful anger the wound has been inflicted, the proportion of the full body-fine which he (*the owner*) would have for its infliction on himself, is the proportion of the 'dire'-fine of the 'sed' itself that shall be *paid* for its infliction on the animal, whether it be a small animal or a large animal; and the proportion of honor-price that would be *due* to him for its infliction on himself, is the proportion of honor-price that will be *due* to him for its infliction on the large animal, and the half of it for its infliction on the small animal.

<sup>1</sup> But the one-fourth.—In the MS. over the latter part of the contraction for the word "fourth," there is written by another hand, "αχθρ," to intimate probably that the word might be "ετηναχθρ," a fortieth.

When *the wound has been inflicted* inadvertently in law-ful anger, the proportion of his half body-fine which he would have for its infliction on himself, is the proportion of half 'dire'-fine that shall be *due* to him for its infliction on the animal, whether it be a small animal or a large animal. The proportion of half honor-price which he would have for its infliction on himself, is the proportion of half honor-price he shall have for its infliction on the large animal, and the half of it for its infliction on the small animal.

If the compensation be deficient in an amount equal to *the value* of a large animal, there is full honor-price *due for it*; if it (*the deficiency*) be the equivalent of a small animal, there is half honor-price *due for it*; and if it be the equivalent of a sixth, or a seventh, or of a lesser portion, addition is to be *made* to it.

If it be the equivalent of one-fourth, or one-fifth, or a larger division, *that is deficient of the 'sed,'* it is to be all returned in consequence; and even if there should be deficient but the one-fourth<sup>1</sup> part of it, with proof, it shall be all returned in consequence.

The twenty-fourth part of the 'dire'-fine of the animal is *paid* for a lump-blow, or for shaving it bare, and the twenty-fourth part of compensation in addition for shaving bare, and the twenty-fourth part of honor-price to its owner; or it might, however, *according to others*, be the fourth part.

The forty-eighth part with half the forty-eighth part is *the fine* for the white-blow which leaves a sinew in pain, or discoloured, or swollen, or red; and the three *conditions* are present; if there be but one or two of them present, *the fine shall be* the forty-eighth part with the fourth of the forty-eighth part. The forty-eighth part only *is due* for a white blow without soreness, or for shaving without making bare; and the same proportions of honor-price for them besides. Or else, the proportion of honor-price which would be *due* to him for the infliction *of the wound* on himself is the proportion that shall be *due* to him for its infliction on the large animal, and the half of it for its infliction on the small animal.

- THE BOOK OF AICILL. — Ceṭṭhaimṭi tiri cneidi in ruib ar a leiḡer, amail ata o ḡraṭaib reine. Iṛ ar ḡabair: cethruimṭi tiri cneidi caḡa ruib ruamanta ar a leiḡer lainto arṑa, do reir dianceṭt cainbpeṭaḡ; iṛ e po ḡno in bann. No dono čena, comato a denum ar in loḡ iṛ laḡa buḡabap do laiaḡ; no dono čena, O'D. 1971. comato a ruagailt re aithḡin [in ruib], uair iṛ othruir O'D. 1971. nemḡraio, eutrama aithḡina [in ruib ina nemtincirin, no] loḡ othruir.

Nocu nuil aḡor orpo do ḡrér tpe ruirurmo cnet opeṛṭain orpo, no coma timaineč; ocuṛ ó buṛ timaineč, iṛpet olegap a nachup. No dono čena, o buṛ tria compaiti no tpe anpot reirḡi inṑeibiri, cen cumato eṛbaṑach aḡt in aenmato rann riḡit tibi, iṛ a naṡčur, ocuṛ eutrama na aenme ar ron diabla. Maṛ tpe anpot reirḡi ṑeibiri, aḡt maṛa eutrama tṛin no cethruimṭi no ni iṛ mo inap iṛ eṛbaṑaḡ tibi, iṛ a naṡčur uile tṛit. Maṛa eutrama reṡtmaio no oḡtmaio, no rainti iṛ luḡa anap, iṛ a ruilleḡ. Maṛa inṑeibiri toṛba, noco nuil a naṡčur do ḡrér no co po timaineč, ocuṛ o buṛ timaineč, iṛ a naṡčur.

No con ruil aṡčur na rob do ḡrér tpe na cneouḡaṑ, no co ra timaineč iat, ocuṛ o buṛ timaineč iat, iṛ ann ata in taṡčor tpeṡo.

- O'D. 1970. Cio foṑera [oiriḡe, ocuṛ re ḡa raṑ ra ninao eile], cio bec in ainim o buṛ maṛṡanaḡ hi co ruil a naṡčor tṛit,  
O'D. 1970. ocuṛ a bail ata colpaḡ ar aircenḡ [ḡo ruil eṛbaio laiaḡ ocuṛ laḡta iṛin bliatoin rin, ocuṛ] co na ruil aṡčor tṛit?

<sup>1</sup> A double-fine.—For 'diabla,' here, Dr. O'Donovan suggested 'oirpe' as a more correct reading.



The one-fourth of the 'dire'-fine for the wound of the animal is *paid* for the curing of it, as is *obtained* from the 'Feini' grades. From this is derived: "the fourth of the 'dire'-fine of the wound of each ruminating animal is *paid* for its complete cure, according to the fair-judging Diancecht; it was he that established the rule." Or else, *according to others*, it is to be done for the smallest fee that is found for a physician; or else, it is to be ruled by the compensation for the beast, since it is the sick-maintenance of a non-grade, or the price of sick-maintenance that is the equivalent of the compensation for the beast in case of non-attendance.

They are never to be sent back *to the person who has injured them*, in consequence of wounds having been inflicted on them, unless they are *become* useless; and when they are *become* useless, they ought to be sent back. Or else indeed, when *they have been injured* intentionally or inadvertently in unlawful anger, even though they should be but the one-and-twentieth part deteriorated in value,<sup>a</sup> they are to be sent back, and the equivalent of the blemish *is to be paid* as double *fine*.<sup>1</sup> If it were in lawful anger, and if the deterioration amounts to the third or the fourth of their value, or to more, they are all to be sent back in consequence of it. If it amount to one-seventh or one-eighth or a smaller part of *their value*, addition *is to be made* to it (*the compensation*). If *it happened through unnecessary profit*, they (*the animals*) are never to be sent back unless they are *become* useless, and when they are *become* useless, they are to be sent back.

<sup>a</sup>Ir. *Though but the one and twentieth part be deficient in them.*

Animals are never to be sent back because of their being wounded, unless they are *become* useless, but when they are *become* useless, they are then to be sent back on account of them (*the wounds*).

What is the reason of this, and that it is said in another place, however small the blemish, if it be permanent, they are to be sent back in consequence of it, and where a 'colpach'-heifer is under cure, and the injury is such that there is a deficiency of the calf and milk for that year, that there is no sending back for it (*the wound*)?

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O'D. 1970.

O'D. 1970.

O'D, 1972.

O'D. 1972.

[illegible]

[Ocup da maò he roga fir in treoit a ret pe  
aig, roga othruv ocup tibe ocup eneclann to lea

[Do ar uth]; mar ye a huē uile no millo anō,  
bo war a eip. [Na cethra olōena pon coip cetna].  
a cethru tpine no millo ann, oēt rcpurail.  
bliatna co no ictar ye rcpurail oec aen bli  
curoti rin; ocup mara cunnatabart, cethru rcpu  
cada bliatna no co no ictar oēt rcpurail aen b

Μαθίαν α τρι ρινε, ιε ρεϋραλλ καθα βλιασι  
ιεταιρ θα ρεϋραλλ δεκ αεν βλιασιν.

Մաօ րա՛տ ա ծա րի՛նե, շե՛ղրս լըրիսա՛լլ ու՛ զա՛ճա  
 Ե՛ր ու՛ յա՛ր օ՛ճ լըրիսա՛լլ ի՛ն ա՛ն Ե՛լիսա՛ն. 1 Ե՛լ  
 օսը՛ մա՛րա Ե՛լնո՛ւնա՛ր, ծա լըրիսա՛լլ ու՛ զա՛ճա Ե՛լ  
 Ե՛ր ու՛ յա՛ր շե՛ղրս լըրիսա՛լլ ա՛ն Ե՛լիսա՛ն.

Մարա աւն տրոն, ծա րբըքալլ ուժ զաճաւիտոն ( ար զէր րբըքալլ աւն իւծաւն. 1 զոտու ր  
մարա զոտոտաւր, րբըքալլ ուժ զաճա իւտոն  
ւտար ծա րբըքալլ աւն իւտաւն.

<sup>1</sup> *Thriving*.—"ῥαυτινόν" appears to mean, expectation of increase of producing young the following year, or of improvement in value ge

The reason of it is: though small the blemish may be, when it is permanent, there is no hope of its thriving<sup>1</sup> afterwards, and it is right that it should be sent back in consequence. In the case in which the 'colpach'-heifer under cure is *referred to*, there is hope of thriving, and it is right that there should be no sending back in consequence. Or else indeed, *as to* the rule "though small the blemish may be when it is permanent," &c., *it applies where* the wound was inflicted intentionally or inadvertently in unlawful anger, and it is right that it (*the animal*) should be sent back; and in the case in which "the heifer under cure," &c., *occurs*, the wound was inflicted through unnecessary profit, and it is right that it should not be sent back.

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And if it were the choice of the owner of the 'sed' to have his own 'seds,' he should have sick-maintenance and 'dire'-fine, and honor-price along with them.

A cow for the udder; if it be the entire of her udder that has been injured, a cow *shall be given* in her stead always. The quadrupeds in general *are estimated* according to the same rule. If it be her four teats that have been injured, eight 'screpalls' shall be paid every year until sixteen 'screpalls' shall have been paid *in* one year. This is in a *case of* certainty; but if it be a doubtful case, four 'screpalls' shall be paid every year until eight 'screpalls' shall have been paid *in* one year.

If it be three of her teats<sup>a</sup> *that have been injured* six 'screpalls' shall be paid each year until twelve 'screpalls' shall have been paid *in* one year. <sup>a</sup> Ir. Her three teats.

If it be two of her teats<sup>b</sup> *that have been injured*, four 'screpalls' shall be paid each year until eight 'screpalls' shall have been paid *in* one year. This is in a *case of* certainty; but if it be a doubtful case, two 'screpalls' shall be paid each year until four 'screpalls' shall have been paid *in* one year. <sup>b</sup> Ir. Her two teats.

If it be one teat *that has been injured*, two 'screpalls' shall be paid each year until four 'screpalls' shall have been paid *in* one year. This is in a *case of* certainty; but if it be a doubtful case, one 'screpall' shall be paid each year until two 'screpalls' shall have been paid *in* one year.



THE BOOK OF AICHL. [Mar aine ríne ír erbaoach uirpe, rcpupall co leť inn  
gača blaďna, no tpi rcpupall aon blaďain.

O'D. 1972,  
&c.

O gatar ciall don trailtínč, ír oť rcpupall na raitlínč  
dic ann.

Mar a rreb po milleď an írin trine, in tainmpainne  
geabur in ríne írin uťh, gurab e in tainmpainne rín deiric  
in trine ber írin trreib.

Loť a laťta dic gača blaďna co po ietup loť laťta ocup  
raitlínč aon blaďain, ocup cen nať ní dic o ěa rín  
amať; no dono, loť laťta dic in cet blaďain, ocup loť  
laťta ocup raitlínč dic an blaďain tannuťte, ocup ce-  
nach ní dic o ěa rín amať; no dono, loť laťta dic cenn da  
blaďain, ocup cen ní dic o ěa rín amach.

Ma tainic in traitlínch ímuť pua cinn blaďna, eic  
írin lo deigenaď don blaďain tı hı, ír aipic loiťeťta na  
raitlínch amach; muna tainic, ír a neimairic. No dono,  
co naireťta, uair ír eipic rogail. In tan ír bo ceitpi  
rcpupall rícht rín; in tan ímuťpo, ír bo ríchı rcpupall, ír  
tpi ríne po loiťeď tı, ír deic rcpupall ı naon blaďain, no  
cuic rcpupall caťa blaďna. In tan ír da ríne, ír cuic  
rcpupall in aon blaďain, no da rcpupall co leť gača  
blaďna. In tan ímuťpo ír aon ríne, ír da rcpupall co  
leť gača blaďna, no rcpupall co ceťruime rcpupall aon  
blaďain.

Ma tainic in laťt tı íartain, ír in ní fuil ar rgať rait-  
línč dairic. In tan ír marď, no do ěuair ímuťa, cen aipic  
in ní tuc ar rcať raitlínche. In tan ímuťpo na tucaro  
imach inı fuil ar rcať raitlínč, cen a aipic imach.

Mať tpi ríne bur erbaoach tı, ír ceitpe rcpupall co



If it be one teat that is defective in her, a 'screpall' and THE BOOK OF AICILL. a half *shall be paid* for it every year, or three 'screpalls' *in one year.*

When every idea of the expectation is abandoned, the eight 'screpalls' of the expectation shall be paid for it.

If it be the milk-passage that was destroyed in the teat, the proportion which the teat bears to the udder is the proportion of the 'eric'-fine for the teat that shall be *due* for the milk-passage.

The value of the milk shall be paid every year until the value of the milk and of the expectation be paid *in one year*, and nothing shall be paid from that forth; or else, the value of the milk shall be paid the first year, and the value of the milk and of the expectation *of calves* the second year, but nothing shall be paid from that forth; or else, the value of the milk shall be paid till the end of two years, but nothing shall be paid from that forth.

If the expectation came outside before the end of a year, even if it be on the last day of the year it comes, the value of the expectation is to be returned out; if it has not come, it (*the value, &c.*) is not to be returned. Or else, *according to others*, it is to be paid back, since it is 'eric'-fine for trespass. This is when it is a cow of four and twenty 'screpalls' *worth that is in question*; but when it is a cow of twenty 'screpalls' *worth, and* three of her teats were spoiled, it (*the payment*) is ten 'screpalls' in one year, or five 'screpalls' every year. When it is two teats *that were spoiled*, it (*the payment*) is four 'screpalls' in one year, or two 'screpalls' and a half every year. When, however, it is one teat *that was spoiled*, it (*the payment*) is two 'screpalls' and a half every year, or a 'screpall' and a fourth of a 'screpall' in one year.

If the milk came to her afterwards, the thing which is for the sake of expectation is to be returned. When she dies or has gone astray, what was given for the sake of the expectation is not to be returned. When, however, that which is for the expectation was not given out, it is not to be paid out.

If it is three teats that are defective in her, it is four 'screpalls' and a half *that are to be paid* every year, or nine

## Leban Aicle.

Ča bliadna, no noi peripall aon bliadain. Ocur tob pur but poža a ic in aoinpečt, amlaio rin, cuit anche. Mač perri lar in per eile purpnače na rail-ipeč pažur do, uair ipeč ir dližeč ann .i. a poža do ppta na cneiče.

Či in aoinpečt icur, ocur tainic in tralčinche iap, ir a airc amach ma rin <sup>1</sup>iačain ir nera či ri ceta-  
p. Mar žač bliadain icur in tralčinče, či žat  
tur tall in bó rein. no či cpech riallač berena, icur a  
lčinche pur i cen but aicir ta a beč a mbetač, cin  
ie da bpeič. Mara báp po žeib čall hi, no da mbera  
ir a cpoč rein uile, no vipoiche de, no cune, no rail  
mcoiméta, no cpech neimberena via mbpeič uile, noco  
nicar ni von tralčinche pur o rin amach.

Da pasbač imurpo in cpech no in žalar ní aige,  
ičar a railčinche beor pur.

Ca hairpet bečir ica ic rein? .i. co mberēč cpech riallač  
nemberena iat, no vipoiche de, no cune; no, ir e aipet  
bečer ic a híc župab cinto nemtarpačtain na railčinči  
amuiž, ocur o bur cionti, lož lačta ocur railčinči vic ann  
in bliadain rin, ocur cin ni vic ann o ča rin amač. No  
vono čena, comao lož lačta vic ann in cēt bliadain,  
ocur lož lačta ocur railčinči vic amač in bliadain tan-  
aire, ocur cen ní vic ann o ča rin amač. No vono cena, o  
po icpaččea lož lačta ocur railčinče amač co cenn  
mbliadna, co na hieča ni ann tairir rin].

'screpalls' in one year. And whichever of them is his choice, he shall pay the consideration for expectation at the same time in this manner. If the other man prefers to wait for the result of the expectation, it shall be ceded to him, for the law of the case is, "the inflicter of the wound has his choice."

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If it is at once it is paid, and the expectation came afterwards, it is to be paid out, if it (*the expectation*) came first in the next year. If the expectation is paid for every year, though the cow herself may have been stolen *within*, or plundered from people outside who have a 'bescna'-compact, the expectation shall be paid for, as long as it is natural that she should be living, and not overtaken by decay. If she has died within, or if disease has carried off all her young, or the visitation of God, or decay, or neglect of keeping, or the plundering act of people with whom there was not a 'bescna'-compact, has carried them all off, nothing shall be paid to him for the expectation from that forth.

If, however, the plundering or the disease has left something of the value of the young with him, his expectation shall be paid him.

How long will this continue to be paid? That is, until the plundering act of a party with whom there is not a 'bescna'-compact shall have carried them off, or the visitation of God, or decay; or, *according to others*, the time during which it will be paid, is until the non-appearance of the expectation is ascertained outside, and when it is certain *that there will be no increase*, the value of the milk and of the expectation shall be paid for it that year, and nothing shall be paid for it from that forth. Or else, *according to others*, the value of the milk is to be paid for the first year, and the value of the milk and of the expectation shall be paid out the second year, and nothing shall be paid from that forth. Or else, *according to others*, after the price of the milk and of the expectation shall have been paid to the end of a year, nothing more shall be paid beyond that time.



No dono cena, o po ieraiſea loſ laſta ocur railtinſi  
iaſ co cenn da bliarain co na ieta ni anto tairur rin.  
ur o ſetair ciall don trairtinſi, ir oſt ſerupail na  
ltinſi dic.

Ma tainic in trairtinſi amuiſ iarðain, in eutruma  
o — ſeaſ railtinſi o — ſairſe amuiſ; no dono, co  
ſetſea, uair ir eiric poſla.

[Seirio irin cluar ſo neirſaſt, ce be pob, no irin aſſairſe  
ſo na ſlibac, no irin nerball ſo enaim; aile deſ irin  
cluar ſan eirſaſt, no irin aſſairſe ſan trlibaſ, ocur in  
ceſſairme ſann ſichit irin nerball ſan enaim.]

In bo treiniugato uirpe: trian ar ſeaſ a colla, trian  
ar ſeaſ a railtinſi, trian ar ſeaſ a laſta ocur a laſſ;  
a teora cethruimſi ar in laſt, ocur a cethruimſi ar in  
laeſ, in trian ata ar ſeaſ a laſta ocur a laſſ, ſe ſerupail  
ſeirſe ar ſeaſ laſta, ocur da ſerupail ar ſeaſ

O.D. 1971. laſſ [i. cio ſirſeno, ciſ boinnenn é, in la beſar; ocur bo  
ceirſe ſerupail ſichet hi.]

In ſam, treiniugato air: trian ar ſeaſ a colla, ocur  
trian ar ſeaſ a ſnirſair, ocur trian ar ſeaſ a railtinſi  
iarðain.

C. 1782. [In tarb, treiniugato air; trian ar ſeaſ a colla, ocur  
trian ar ſeaſ a ſnirſa, ocur trian air ſeaſ a trairtinſe.]

Cach ſet aca ta colano, ocur railtinſi, ocur laſt, ir  
treiniugato air. Cach ſet ac na ſuil aſt colano ocur  
railtinſi, no colano ocur laſt, ir ſoino ar ſo. Cach ſet  
ſoib ac na ſuil [laſt na ſnirſa, ocur ac na ſuil rail-  
tinſe iarðain], aſt colano nama, ir airſomeſ comaiſeſ air,  
aſt mana marſ cana aicillne, ocur marſeſ, ir ceirſi  
ſerupail air.

C. 1782.



Or else indeed, *according to others*, when the value of the milk and the expectation has been paid out to the end of two years there shall be nothing paid for it from that forth. And when it is ascertained that there is no expectation, the eight 'screpalls,' *the value* of the expectation, are to be paid.

If the expectation came outside afterwards, the amount that had been given for the expectation shall be returned to the man outside; or indeed, *according to others*, it is not to be returned, because it is 'eric'-fine for an injury that shall be paid.

A sixth shall be paid for the ear that has hearing,<sup>a</sup> of what beast soever, or for the horn with its pith, or for the tail with its bone; one-twelfth for the ear without hearing, or for the horn without pith, and the twenty-fourth part for the tail without bone.

The cow has a tripartite division; *viz.*, one-third for her body, one-third for her expectation, and one-third for her milk and her calf; three-fourths of it (*the last third*) are for the milk, and one-third for the calf, *i.e.* of the third which is for the milk and the calf, six 'screpalls' are for the milk, and two 'screpalls' for the calf, *i.e.* whether bull or cow calf, the day it is calved; and it (*the cow in question*) is a cow of four-and-twenty 'screpalls' value.

The ox has a tripartite division; *viz.*, one-third for its body, and one-third for its work, and one-third for its expectation afterwards.

The bull has a tripartite division: one-third for his body, and one-third for his work, and one-third for his expectation.

Every 'sed' that has a body, and expectation, and milk, has a tripartite division. Every 'sed' that has but body and expectation, or body and milk, is to be divided into two parts. As to every 'sed' of them that has neither milk nor work, and that has not expectation afterwards, but body only, the arbitration of neighbours is to be had respecting it, unless it be a beef in 'cain aigillne'-law, and if it is, four 'screpalls' are to be the value for it.

## Leban. Cicle.

teah, tpenugato ar : trian ar peat̃ a colla, trian  
 peat̃ a railtineĩ, trian ar peat̃ a gnimpra. Cile dec  
 mathar ar in perrach in uar berar he, amail ata  
 dec ar in laeg in uar berar he; no, [co]mato let̃ aile  
 a at̃ar in inbato ir perr in tathar.

ana pul aet̃ colanto ocur railtineĩ, no colanto ocur  
 upato, ir pointo ar to. Mana pul aet̃ colanto nama,  
 noco nul naẽ ni, uar noco main mara he.

In muc, tpenugato uirre : trian ar peat̃ a colla, trian  
 ar peat̃ a railtineĩ, ocur trian ar peath a hail ; ocur ir  
 cetrat̃ comato ina bpointo po milleto he ; ocur damato ar  
 na breit̃, ir pingino ar ead̃ norc co rice tri horcu, no  
 comato co nas norcu, mara cinoti co tibrato ar he.

C. 1785. [In muc, mara a carna ir erbat̃at̃ uirru ir a haet̃ur,  
 ocur muc a comacinta tar eiri.

Mar̃a al na bliat̃na ir erbat̃at̃ to, trian a nurcom-  
 air a hail, ocur trian a nurcomair a colla, ocur trian  
 a nurcomair a railtince.

Mar̃a ni ta hal (.i. ta rinnoib tra) ir erbat̃at̃ uirre,  
 in tainmpairne to triun icair gaẽa bliat̃ain, no a ta  
 coibeir aon bliat̃ain ; trian ar peat̃ a hail, ocur ina  
 bpointo po milleto in tal ann rin ; ocur damato ar na breit̃,  
 ir pingino ar hac norc so ruigi nai norca, no tri orca .i.  
 nomato loiẽe a mathar rin, amail ata a nuan caorat̃ na  
 tri perriboll.]

In muc pireñn, pointo ar to uirre.

C. 1785. [In lair, tpenugato uirru ; trian ar peat̃ a colla, ocur  
 trian ar peat̃ a railtineĩ, ocur trian ar peat̃ a perrat̃  
 ocur a gnimpra.

<sup>1</sup> That it would have given milk. For "tibrato ar he," O'D. 1977, reads  
 "co tibrat̃ir ar."

The horse has a tripartite division ; one-third for its body, one-third for its expectation, and one-third for its work. The one-twelfth of *the value of its dam is to be given* for the foal when it is foaled, *just as the calf is worth the one-twelfth of the value of its dam* when it is calved; or *according to others*, it is the one-half of the twelfth of *the value of its sire* when the sire is better.

If it (*the 'sed'*) has only body and expectation, or body and work, it is to be divided into two. If it has but body only, there is nothing *for it*, because it is not a beef carcass.

The pig has a tripartite division ; one-third for her body one-third for her expectation, and one-third for her farrow ; and it is an opinion that it was in her uterus it (*the young*) was destroyed ; but if it was after farrowing, it is a 'pinginn' for every young pig as far as three young pigs, or it may be as far as nine young pigs, if it be certain that it would have given *milk to them*.<sup>1</sup>

*As regards* the pig, if it be its flesh that is deficient in it, it (*the pig*) is to be returned, and a pig of the same nature *is to be given* in lieu of it.

If it be the litter of the year that is deficient in her *case*, one-third *shall be paid* in consideration of her litter, and one-third in consideration of her body, and one-third in consideration of her expectation.

If it be part of her litter (i.e. of her teats) that is deficient in her, the proportion of a third shall be paid every year, or twice as much *in* one year ; one-third on account of her litter, and it was in the uterus the litter was injured in this case ; and if it were after they were brought forth, a 'pinginn' shall be *paid* for every young pig as far as nine young pigs, or, *according to others*, three young pigs, i.e. this *is* the ninth part of the price of their dam, as is *paid* for the lamb of a sheep of *the value of* the three 'screpalls.'

The he-pig has a tripartite division.

The mare has a tripartite division ; one-third in consideration of her body, and one-third in consideration of her expectation, and one-third in consideration of her foal and her work.



## Leban Aicle.

•Ilar e a huē ir eap̄baṯač uirpe, ir a hačchur, ocur lair  
naicinta tar a heir.

ir e rerp̄ač na b̄liaṯna ir eap̄baṯač uirpe, ir a hač-  
ocur lair a com̄aicinta tar a heir.

Mar é rerp̄ač na b̄liaṯna ar eap̄baṯach uirp̄i, trian a  
nurcomair a rerp̄aiṣ, ocur trian a nurcomair a ḡn̄m̄ra,  
ocur trian a nurcomair a r̄ailtinche.

Mar e an ṯara r̄ine ir eap̄baṯač uirpe, ma ta beač̄uṣ[ar]  
a rerp̄aiṣ ir̄in r̄ine aile, aithḡin inn ocur or̄tar, ocur  
muna r̄uil, ir trian r̄uil inn. Ocur mar a mb̄roinn .i. a  
mathar, r̄o m̄l̄l̄eṯ in rerp̄ač, ir nomaṯ loṯḡi a mathar  
inn. Ocur mar ar an ač̄aṯ, ir aile r̄eg a mathar inn.

C̄iṯ r̄oṯep̄a co na mo ina m̄l̄l̄eṯ a mb̄roinn a mathar  
na ar nacha, ocur ḡona mo ir n̄ep̄aṯ é ar an acha? Ir é  
an r̄ač̄ r̄oṯep̄a, moṯ ṯ̄raoilt̄ep̄ r̄oglaṯ ṯ̄p̄ar ṯi ina m̄l̄l̄eṯ  
ina b̄roinn na ar nač̄a.

Aile r̄eg ar an rerp̄ač, .i. a mathar, in lá beap̄ar é,  
c̄iṯ r̄ir̄inn c̄iṯ boinn̄ann, am̄ail at̄a aile r̄eg a mathar ar  
an laosḡ in uair beap̄ar é; ocur r̄eir in mathar ir c̄orm̄ail  
ann̄r̄in é, ocur mar r̄eir in nachar im̄or̄p̄o, ir aile r̄eg  
a athar air: ocur mana c̄orm̄ail le c̄eč̄tar r̄e ṯ̄ir̄i é, ir  
leč̄ aile r̄eg o c̄eč̄tar ṯ̄ib̄ ann in inb̄uṯ ir r̄ep̄r r̄o bui in  
tathar, cona aile r̄eg com̄lan r̄in.

In t̄eč̄ r̄ir̄inn, ir r̄ainn ar ṯo r̄uir̄p̄i.]

In muc r̄ir̄enn, r̄oinn ar ṯo uirpe.

In caep̄a, ṯ̄r̄ein̄iuḡaṯ uirpe; trian ar r̄c̄áč̄ a colla, trian  
ar r̄c̄áč̄ a r̄ailtinč̄i, trian ar r̄c̄áč̄ a holla ocur a h[u]ain  
O'D. 1976. ocur a [lač̄ta. .i. r̄inḡin̄o ar r̄c̄áč̄ a huain, ocur r̄inḡin̄o

<sup>1</sup> *Her milk.* For "lač̄ta," milk.—O'D. 1479, reads "r̄ailtin̄ci," expectation  
of a calf, &c.



If it be her udder that is deficient in her, she is to be returned, and a mare of the same nature *is to be given* in lieu of her.

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If it be the foal of the year that is deficient in her, she is to be returned, and a mare of the same nature *is to be given* in lieu of her.

If it be the foal of the year that is deficient in her, *then, according to others*, one-third *shall be given* in consideration of her foal, and one-third in consideration of her work, and one-third in consideration of her expectation.

If it be one teat<sup>a</sup> that is deficient in her, if there be the feeding of her foal in the other teat, *there is compensation* for it and sick-maintenance, and if there be not, there shall be one-third *paid* for it. And if it is in the uterus, i.e. of its dam, the foal was destroyed, it is the ninth part of *the value of the dam that shall be paid* for it, and if it be on the field *it was destroyed*, the twelfth part of *the value of the dam shall be paid*.

<sup>a</sup> Ir. *The second teat.*

What is the reason that there is more *to be paid* for destroying it in the uterus of its dam, than *when destroyed* on the field? The reason is, it is supposed that greater injury will result to her (*the dam*) for destroying it in her uterus than in the field.

One-twelfth *is to be given* for the foal, i.e. *one-twelfth of the value* of its dam, the day it is foaled, whether *it be* male or female, *just as* one-twelfth *of the value* of his dam *is to be given* for the calf at the time it is calved; and it is the dam it is like in this case, but if it be the sire *it is like*, it is one-twelfth *of the value* of the sire *that is to be given* for it; and if it be not like either of them at all, it is half the one-twelfth of each *that is to be given* in the case in which the sire was better, so that this is full one-twelfth.

The male horse has a twofold division.

The he-pig has a twofold division.

The sheep has a threefold division, *viz.*, one-third for her body, one-third for her expectation, one-third for her wool and her lamb and her milk,<sup>1</sup> i.e. a 'pinginn' in consideration of her lamb, and a 'pinginn' and a half in

### Լեօար Աճե.

Արբատ ա հոլա, .i. օսր օլանն քա ԲԼԱԾՈՆԱ ԿԻԼ ԻՆ,  
ԼԵՇ ԲԻՆԴԻՆՈՒ ԱՐ ԲԵՇՏ Ե ԼԱՇՏԱ. ԸՐԱ ԵՐԱ ԲԵՐՍՊԱԼԼ ԻՆ ;  
ՇԵՄԱ ԸՐԱ ԲՆԾ ՄՈ ՈՐ ԲՆԾ ԼԱՅԱ ՈՐ ԻՆ ԽԻ, ԻՐ Ե ԻՆ  
ՇԱԼ ՈՐ ԲԻՇՏ ԿԻՐԵ ՄԻ ԵՐԵՄԻՍՅԱԾ.

ԸՐԱ ԲԻՐԵՆՆ, ԻՐ ԲՈՒՆՈՒ ԱՐ Ե ԾՕ ԿԻՐԵ.

ԻՐԱ ԸՐԱ ՇԱ ԲԵՐՍՊԱԼԼ ԽԻ, ԲԻՆԴԻՆՈՒ ԱՐ ՄԻ օԼԱԻՆՈՒ, օՍՐ  
ՈՒ ԱՐ ՄԻ ՄԱՆ օՍՐ ԱՐ ՄԻ ԼԱՇՏ, Ե ՇԱ ԵՐԱՆ ԱՐ ՄԱՆ, օՍՐ  
Ն ԱՐ ՄԻ ԼԱՇՏ.

ԸՐԱ ; ՄԱՐ Ե Ե ԽԵՇ ԿԻԼ ԻՐ ԵՐԲԱԾԱՇ ԿԻՐԵ, ԻՐ Ե ԽԱԵ-  
ԿԻՐ ԱՐ ԵՆԼԱ, օՍՐ ԸՐԱ ՄԻՇԱ ԿԻՆԻՏԱ ՇԱՐ Ե ԽԵՐԻ. ՄԱՐ Ե  
ՄԻ օՍՐ ԼԱՇՏ ՈՐ ԲԼԱԾՈՆԱ ԻՆ ԻՐ ԵՐԲԱԾԱՇ ԿԻՐԵ, ԻՐ ԵՐԵՄԻ-  
ՅԱԾ ԿԻՐԱ ; ԵՐԱՆ Ե ԿՈՄԱՐ Ե ԽԱԻՆ օՍՐ Ե ԼԱՇՏԱ, օՍՐ  
ԵՐԱՆ Ե ԿՈՄԱՐ Ե ԿՈԼԼԱ, օՍՐ ԵՐԱՆ Ե ԿՈՄԱՐ Ե ԲԱԼԵՆԻՇԱ.

ՄԱՐԱ ԸՐԱ ՇԱ ԲԵՐՍՊԱԼԼ ԽԻ, ԻՐ ՇԱ ԲԻՆԴԻՆՈՒ ԱՐ ՄԻՆ Ե ԽԱԻՆ  
օՍՐ Ե ԼԱՇՏԱ .i. ԲԻՆԴԻՆՈՒ ՇՈ ԼԵՇ ԱՐ ՄԻ ԼԱՇՏ, օՍՐ ԼԵՇ ԲԻՆԴԻՆՈՒ  
ԱՐ ՄԻ ՄԱՆ ; ՄԱՐ ՇԵՐՍԻՄԵ ԻՐԻՆ ԼԱՇՏ ՄԻ ԵՄԱՆ.

ՄԱՐ ԱՈՆ ԲԻՆԵ ԻՐ ԵՐԲԱԾԱՇ ԿԻՐԵ, օՍՐ ԱԵԱ ԲԵՇՏՅԱԾ ՄԻ  
ՄԱՆ ԻՐԻՆ ԲԻՆԵ ԵԻԼԵ, ԵՐՈՐԱ ՇԵՐՍԻՄԵ ԲԻՆԴԻՆՈՒ ՄԻ ԶԱՇ ԲԼԱ-  
ԾԱՆ, ՈՐ ԲԻՆԴԻՆՈՒ ՇՈ ԼԵՇ ԱՈՆ ԲԼԱԾՈՆԱ. ՄԱՐԱ ԸՐԱ ԵՐԱ  
ԲԵՐՍՊԱԼԼ ԽԻ, ԻՐ ԲԵՐՍՊԱԼԼ ԱՐ ՄԻՆ Ե ԽԱԻՆ օՍՐ Ե ԼԱՇՏԱ .i.  
ՇԱ ԲԻՆԴԻՆՈՒ օՍՐ ՇԵՐՍԻՄԵ ԲԻՆԴԻՆՈՒ ԻՐԻՆ ԼԱՇՏ, օՍՐ ԵՐՈՐԱ  
ՇԵՐՍԻՄԵ ԲԻՆԴԻՆՈՒ ԻՐԻՆ ՄԱՆ ; ՄԱՐ ՇԵՐՍԻՄԵ ԻՐԻՆ ԼԱՇՏ ՄԻ  
ԵՄԱՆ.

ՄԱՐ ԱԵՆ ԲԻՆԵ ԻՐ ԵՐԲԱԾԱՇ ԿԻՐԵ, օՍՐ ԱԵԱ ԲԵՇՏՅԱԾ ՄԻ  
ՄԱՆ ԻՐԻՆ ԲԻՆԵ ԵԻԼԵ, ԲԻՆԴԻՆՈՒ օՍՐ ՕՇՏՄԱԾ ԲԻՆԴԻՆՈՒ ԱՆՆ ԶԱՇԱ  
ԲԼԱԾՈՆԱ, ՈՐ ՇԱ ԲԻՆԴԻՆՈՒ ՇՈ ՇԵՐՍԻՄԵ ԲԻՆԴԻՆՈՒ ԱՆՆ ԱԵՆ  
ԲԼԱԾԱՆ.

ՕԼԱՆՆ ՈՐ ԿԱՐԱՇ Ե ԿԵՆ ԲԵՐ ԿԻՐԵ ԱՄԱԼ ԲԻՆՆԲԱԾ ՈՐ  
ՈՐ ԲԱՐՇԵՆԱ, ԿԻՇ ԲԻՆ ՈՐ ԻԱՐ ՈՐ ԲԱՆԱՆ ՇՈ.]

<sup>1</sup> *A fourth of the milk.*—This calculation is evidently wrong, it is one-third according to the previous distribution.

consideration of her wool, i.e. this is the wool of the whole year, and half a 'pinginn' for her milk. This is a sheep of the value of three 'screpalls;' and though it should be a sheep of greater or less value than that, this is the proportion that will be observed in its tripartite division.

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The male sheep is divided into two parts.

If it be a sheep of the value of two 'screpalls,' there is a 'pinginn' for the wool, and a 'pinginn' for the lamb and for the milk, i.e. two-thirds thereof for the lamb, and one-third for the milk.

As to the sheep, if it be her whole udder that is deficient in her, she is to be returned, and a perfect sheep of the same nature is to be given in lieu of her. If it be the lamb and the milk of that year that are deficient in her, there is a tripartite division of her; one-third in consideration of her lamb and her milk, and one-third in consideration of her body, and one-third in consideration of her expectation.

According to others, if she be a sheep of the value of two 'screpalls,' it is two 'pinginns' that will be paid for her lamb and her milk, i.e. a 'pinginn' and a half for the milk, and half a 'pinginn' for the lamb; for the lamb is equal to a fourth of the milk.<sup>1</sup>

If it be one teat that is deficient in her, and the feeding of the lamb is in the other teat, three-fourths of a 'pinginn' shall be paid in each year, or a 'pinginn' and a half in one year. If she be a sheep of the value of three 'screpalls,' there is a 'screpall' to be paid for her lamb and her milk, i.e. two 'pinginns' and one-fourth of a 'pinginn' for the milk, and three-fourths of a 'pinginn' for the lamb; for the lamb is equal to a fourth of the milk.

If it be one teat that is deficient in her, and the feeding of the lamb is in the other teat, a 'pinginn' and the eighth of a 'pinginn' shall be paid for it every year, or two 'pinginns' and one-fourth of a 'pinginn' in one year.

The wool of the sheep while it is on her is like the fur of the beasts in general, though it is worth something when taken off her.



## Lebar Aicle.

gabap, [treiniuḡað air .i.] tṛian ap rcath a colla, n ap rcath a railtiniḡi, tṛian ap rcaḡ a laḡta ocuṛ a ain; a teopa cethruimḡi ap in laḡt, ocuṛ a cethniḡi ap in mennan .i. da tṛian pinginiṛi ap rcaḡ a men-  
niḡ, ocuṛ pinginn ocuṛ tṛian pinginne ap rcath a lachta.  
iṛ gabup da rcrepall é; uair noḡa téit in gabup tar  
crepall.]

cu do beit amail in muc, ocuṛ an gabap do beit amail  
in caera, ocuṛ an capall amail in boin, iṛ epball ocuṛ  
noṛaḡ ocuṛ uḡh. No dono, maṛ aon ḡrine millter don  
air, iṛ coirpṛiṛe po tṛuma na cneiḡ inn. Ma ta learuḡ  
a rerpaiḡ iṛin rine, aiḡin ocuṛ oḡpaṛ inn; ocuṛ mana fuil,  
iṛ tṛian inn. Ocuṛ ma é rerpac na bliḡna millter ann,  
iṛ tṛian na lapaḡ ann; ap nī tarpa in laḡt da eiri. Ocuṛ  
mana fuil aḡt colann ocuṛ railtiniḡe aicī, no colann  
ocuṛ ḡuimṛaḡ, iṛ poiṛn ap do fuirṛe; ocuṛ mana fuil  
aḡt colann nama aicī, noḡa nuil naḡ nī air, uair naḡ main  
maṛt.

On cu : maṛ e a capna iṛ epbaḡaḡ uirṛi, iṛ aḡḡor, ocuṛ  
cu a comaiḡinta tar a héiri. Ocuṛ maṛ é al na bliḡna  
iṛ epbaḡaḡ air, iṛ treiniuḡ air. Ocuṛ maṛa nī da rinnaib  
iṛ epbaḡaḡ air, in tainmṛainṛe do rinnaib iṛ epbaḡaḡ air,  
ḡupaḡ e in tainmṛainṛe don ḡraileḡtain ícap ḡaḡa  
bliḡna.

Nomaḡ loiḡi, na con in ḡaḡ cuilen da cuilena, no in  
cait, co po rcaṛpaṛ ruu, ocuṛ o rcepaṛt, iṛ rmaḡt unṛta  
ḡo po ḡaḡait ḡuimṛaḡ oṛpa; ocuṛ o ḡeḡait, iṛ eiriṛ po  
aiḡneḡ a ḡuimṛaṛo unṛta.

On ceph, tṛenuḡ uirṛi .i. tṛian ap rcaṛ a colla, ocuṛ

<sup>1</sup> According to their work.—O'D. 1978, says, "Eiriṛ in con no in cait, iṛ  
a ḡuimṛaḡ ḡebuṛ oṛpo inṛtib; the 'eric'-fine for the hound and the cat



The goat has a tripartite division; i.e. one-third of its THE BOOK OF AICILL. value is for its body, one-third for its expectation, and one-third for its milk and its kid; three fourths of this third for the milk, and one-fourth for the kid, i.e. two-thirds of a 'pinginn' for its kid, and a 'pinginn' and the third of a 'pinginn' for its milk. And it is a goat of the value of two 'screpalls'; for the goat does not exceed two 'screpalls' in value.

The hound is like the pig, and the goat is to be like the sheep, and the horse like the cow, as regards tail and fur and udder. Or, according to others; as regards the mare, if it be one teat that has been destroyed in the mare, it is body-fine according to the severity of the injury that shall be paid for it. If the feeding of her foal be in the other teat, there shall be compensation and sick-maintenance for it (the injury); and if it be not in it, there is one-third due for it. And if it be the foal of the year that has been destroyed, it is one-third of the value of the mare that shall be paid for it; for the milk is of no benefit after it (the foal). And if she has only body and expectation, or body and work, she is divided as to value into two parts; and if she has but body only, there shall be nothing for it, because it is not valuable as beef.

As to the hound; if it be its flesh that is deficient in it, it is to be returned, and a hound of the same nature is to be given in place of it. And if it be the litter of the year that is deficient in her, there shall be a tripartite division of her. And if it be a part of her teats that is deficient, the proportion of the teats that are deficient is the proportion of the expectation that shall be paid every year.

The ninth of the price of the hound is to be given for every whelp of her whelps; and the ninth of the price of the cat for every kitten of her kittens, until they separate from them (are suckled), and when they have separated, it is 'smacht'-fine that shall be for them until they are fit for work; and when they are, 'eric'-fine shall be paid for them according to the nature of their work.<sup>1</sup>

The hen has a tripartite division, i.e. one-third for shall be according to the nature of the work they are set to do." That is, hunting or mousing.

## Leban. Aicle.

ap. pcat a hal, ocur tpuan ap. pcat a p[ailtinch] iap-  
Nomato loiḡi na eipci in hac en da hencab an  
bet pe coir; ocur o pcepait, ip leḡ loiḡi a mathap  
a, [no co tora amper iunta; ocur o do pōḡa aim  
ip coñloḡ in ceph mor ocur in tēipun; no dono, in  
p ita itip in mboin mbicc ocur in bō mor. supab hi  
bip cetna bip itip in eipun ocur in pēpcep.]

Al ḡó, map pē a doḡ ip erbaḡaḡ ap, ip aḡcup; ocur  
p é doḡ na blicḡa [pin ip erbaḡach ap, ip tpeinuḡaḡ  
ap; tpuan a comair a colla, tpuan a comair áil, ocur  
tpuan a comair pailtinch]; ocur map ní da doḡ ip erbaḡaḡ,  
ip, supab e an tainmpainḡe [don al ip erbaḡac] icap inn.

Seoit peiri poḡlaḡḡhep tpe anpot, no tpe inḡeḡbip  
torba pin; ocur tama tpe compaiti, po bo tpe po tpuḡa  
na cneide inntib, ocur opḡcup, ocur enecclann.

Seoit aḡ na haicntep laḡt ocur ḡnmpaḡ pin, ocur  
da maḡ peoit aḡ na beḡ laḡt no ḡnmpaḡ iat, pob aiḡḡin  
ocur oḡcup inntib; ocur map peoit aḡ na pūil laḡt na  
O'D. 1979. ḡnmpaḡ [po cetoir, ocur aca ta pailtinchē iapaitin], ip  
O'D. 1979. aipomep coimūḡaḡ ap, [aḡt mañ mairt cana aiḡillne, ocur  
máreḡ, ceḡraime pēripūill ap.

Do ap uḡ; .1. bō innlaḡḡ, no bo tpe laḡḡ; no mana pū  
oḡt pēpēpūill an mapt, ocur por cemo pū oḡt pēripūill  
an mapt.]

O'D. 1981. Cio do ḡni ḡeopaito do upaḡ [ocur upaḡ do  
ḡeopaitō]?

.1. in ḡeopaitō pēpait: ip e a aiḡnupḡe, tūime meincūḡep

her body, one-third for her clutch, and one-third for her expectation afterwards. The ninth part of the value of the hen *is given* for every chick of her chickens, as long as they are with her; but when they separate *from her*, it is half the value of their mother *that is given* for them, until the time of laying comes; and when the time of laying has come, the large hen and the pullet are of the same value; or indeed, *according to others*, the difference that is between the large cow and the small cow is the same *proportionate* difference that shall be between the pullet and the full-grown hen.

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The goose, if it be its hatching that is deficient, is to be returned; and if it be the hatching of that year that is deficient, there shall be a tripartite division of her; one-third on account of her body, one-third on account of the clutch, and one-third on account of expectation; and if it be part of her clutch that is deficient, the proportion of the clutch that is deficient shall be paid for.

These are 'seds' that are injured through inadvertence, or through unnecessary profit; but if it were by design, 'dire'-fine should be *paid* for them according to the severity of the injury, and sick-maintenance, and honor-price.

These are 'seds' that are not recognized as having milk and *being capable of* work, and if they were 'seds' that may not have milk or *be capable of* work, there should be compensation and sick-maintenance for them; and if they be 'seds' that *actually* have not milk and *are not capable of* work at first, and have expectation afterwards, the arbitration of the neighbours is *to be had* respecting them, unless it be beef of 'cain aigillne,' and if it be, the fourth of a 'screpall' *shall be paid* for it.

A cow for the udder, i.e. an incalf cow, or a cow after calving, or if the beef is not worth eight 'screpalls,' or though beef be worth eight 'screpalls.'

What is it that makes a stranger of a native free-man and a native freeman of a stranger?

That is, an outlawed stranger: he is defined to be a per-



## Leban. Aicle.

do denum, ocur noco netat in pine a cinta do diður  
 tina na toidid, no co tucat los ap a cinat do diður  
 . peēt cumala do plait, ocur a peēt mbliatona peintoi  
 ic pe] eclaiy, ocur a da cumail cairtoi cacha lete  
 ceitru letib nuy ata comcaipre; ocur o do bepat  
 o rin, iy paer iat ap a cintuib, no co tucā nech oib  
 i pceime no baiy grāin do; no no co pceipea a eoēu i  
 an puy pine ap coibpialēaire. Ocur da tucat, nocu roer  
 ; [ap a cintuibh] no co tucat in eutpuma cetna ap diður  
 cinat oib apuy. Ocur ciō pe tuait, ciō pe eclaiy, ciō pe  
 er cairtoi do ne rogāl, a dūl iy na peēt cumalaib  
 i laim plaita, no co tair a toēaitium; [ocur mā  
 uis a toēaitēam, a pegad cia nuy nōepna rogāl  
 a haitle rin e, in pe tuait, in pe heglaiy]; [no pe  
 nōop cairtōe] ocur māy pe aer cairtoi, iy a dūl iyn da  
 mail cairtoi; ocur māy pe eclaiy, iy a dūl iy na peēt  
 liatonaib peintoi uil a laim eclaiye, no na peēt cumala  
 ap a ron. Ocur ciō pe tuait do ne rogāl eclaiye noco  
 teit nī da pūil ac eclaiy ino, uair naē oligro tuait  
 pennat. Noco nicann eclaiy nī pe tuait, uair teit eclaiy  
 O'D. 1982. i pīaēaib tuaiti, [ocur] n[ōē]a teit tuait i pīaēaib eclaiye.

<sup>1</sup> *Shall have given in this way.*—Dr. O'Donovan remarks on this matter:—“When the outlaw was proclaimed by his family, they were obliged to give up into the hands of the different parties mentioned, certain funds for the payment of his future trespasses. They were then free themselves from the payment of any ‘eric-fines’ for his subsequent trespasses. These funds appear to have been:—1, seven ‘cumhals’ placed in the hands of the chief of the territory; 2, seven ‘cumhals’ in the hands of the church of the territory; and 3, two ‘cumhals’ in the hands of his neighbours with whom he had entered into ‘cairde’-relations. The seven ‘cumhals’ in the hands of the chief of the territory should be first exhausted in payment of fines for his trespasses. Then, these being exhausted, it should be considered against whom he had trespassed, before any of the other reserved funds could be called upon. If it was against any of those with whom he had entered into ‘cairde’-relations, the fine should be paid out of the two ‘cumhals’ placed in



son who frequently commits crimes, and his family cannot <sup>THE BOOK</sup> exonerate themselves from his crimes by suing <sup>OF</sup> *him* for <sup>AICILL.</sup> them, until they pay<sup>a</sup> a price for exonerating themselves from <sup>\* Ir. Give.</sup> his crimes, i.e. seven 'cumbhals' to the chief, and *seven* 'cumbhals' for his seven years of penance are paid to the church, and his two 'cumbhals' for 'cairde'-relations *are paid* to each of the four parties with which he had mutual 'cairde'-relations; and when they (*the family*) shall have given in this way,<sup>1</sup> they shall be exempt from his crimes, until one of them gives him the use of a knife, or a handful of grain; or until he unyokes his horses in the land of a kinsman out of family-friendship. And if they give *him these*, they shall not be exempt from his crimes until they pay the same amount again for exonerating themselves from his crimes. And whether *it be* against laity, or against a church, or against 'cairde'-allies he committed trespass, it (*the fine*) shall be deducted from<sup>b</sup> the seven 'cumbhals' which are in the <sup>b Ir. It is to go into.</sup> hands of the chief, until they are exhausted; and if they become exhausted, it is to be seen against whom he has committed trespass afterwards, whether against laity or against a church, or against 'cairde'-allies; and if it be against the 'cairde'-allies, it (*the fine*) shall be deducted<sup>b</sup> from the two 'cumbhals' of the 'cairde'-allies; and if it be against a church, it shall be deducted<sup>b</sup> from the *fine* for seven years of penance which is in the hands of the church, or the seven 'cumbhals' which are in lieu of it.<sup>2</sup> And if he should commit an ecclesiastical crime against the laity, nothing of what the church has *in her hands* shall be charged with it,<sup>c</sup> for the <sup>c Ir. Goes into it.</sup> laity are not entitled to penance. A church pays nothing to the laity, for *the law says*, "a church goes into the debts of the laity, but the laity do not go into the debts of a church."

their hands. And if he trespassed against a stranger church, the fine should be paid out of the seven 'cumbhals' placed in the hands of the church of his native territory, which church was not called upon to pay fines for any trespass he may commit against the laity. If, after all these funds were exhausted, the outlaw returned to his native territory and received the countenance of any one native freeman of his kindred, which might be done by giving him the loan of a knife or a handful of corn, the whole family were bound to give a similar number of 'cumbhals' into the hands of the parties before mentioned."

<sup>2</sup> *In lieu of it.* The MSS. are defective here.

THE BOOK OF AICILL. O'D. 1982. [Cio fodepa co téit eclair i riachaid tuaiti, ocuṛ cona téit tuaṛ i riachaid eclairi? Iṛ é in faṛ fodepa: pet na dligid tuaṛ ita i laim na heclairi .i. in pennait; ocuṛ in comad beṛtar a denam na penṛaithe, dia nṛepna poṛail pe heclair, iṛ a dūl a riachaid eclara; ocuṛ mar pe luṛt cairṛe, iṛ a dūl iṛ na dicumalaid cairṛe iar ṡcaitheṁ coṛa tuaithe.]

In mac do pṛne pṛa nṛenum ṛeopaid pṛecair ṛi iṛ a biṛh amail each nṛuine nṛligteṛ ṛon pṛne. In mac do pṛne iar nṛenum ṛeopaid pṛecair ṛe, a cin poṛ pṛne a ma-thar .i. lan pṛaṛ ṛeopaid ṛa pṛeaid pṛuṛilṛi buṛein in a cinṛaid, ocuṛ beṛid a coirpoṛu.

C. 2542. Iṛ ann iṛ comṛaiti pṛan he, pṛan ṛo caṛ ṛuine a marṛad, pṛan in inṛaid tucad na neidṛe pṛin poṛmainṛ[ar], ocuṛ na pṛuil pṛig i pṛail timairṛṛi, ocuṛ na pṛuil ar ṡpṛun ṛuine airṛi, ocuṛ na pṛuil pṛer biata airṛi. Ocuṛ ma ta pṛig i pṛail timairṛṛi, iṛ a cin ṛic ṛo, ocuṛ nṛ pṛuil ar eṛp na ar pṛaṛill ṛuine airṛi iṛin eṛiṛ; ocuṛ ma po marṛad he, iṛ coirpoṛu ṛeopaid beṛena ṛic ann.

Iṛeo iṛ pṛail timairṛṛi ṛo pṛig ann, cen a timairṛṛuin pe ṛuine airṛi, no cen a beid ar ṡpṛun airṛi, no cen pṛer biata airṛi.

Ma ta ar ṡpṛun ṛuine airṛi, iṛ a cin ṛic ṛo, ocuṛ a coirpoṛu ṛic ṛo; ocuṛ ma po marṛad he, iṛ coirpoṛu ṛeopaid ṛic ann. Ocuṛ iṛeo ṛo nṛ ṛeopaid ṛe, a pṛeainṛ ṛo dūl uad.

Ma ta pṛer biata airṛi aicṛ, iṛ a cin ṛic ṛo po aicṛeo biata pe nṛenum cinad no iar nṛenum cinad. Lan pṛach iṛ in mbiataṛ pe nṛenum cinad, ocuṛ leṛ pṛach iṛ in

<sup>1</sup> *He may be killed with impunity.*—The third 'pṛan' in the Irish seems redundant. Though found in the MS., E. 3, 5, it is not in the corresponding passage in O'D. 1982, and C. 2543.

What is the reason that a church goes into the debts of the laity, and that the laity do not go into the debts of a church? The reason is: the church has in its hands a 'sed' which the laity have no title to, i.e. penance; and while the penance is being performed, if he has committed a trespass against a church, it (*the penalty*) is to go into the church debts, and if against persons who have<sup>a</sup> 'cairde'-relations *with him*, it is to go as part of the two 'cumhals' of 'cairde'-relation, after the portion of the laity is spent.

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<sup>a</sup> Ir. Qf.

The son whom he had begotten before he had been made an outlaw is to be like every other lawful man of the family. *As to* the son whom he may have begotten after he had been made an outlaw, his liabilities shall be on the family of his mother, i.e. *they pay* the full debt of a stranger out of their own rightful 'seds' for his liabilities, and they obtain his body-fine.

The case in which a man<sup>b</sup> may be killed with impunity, i.e. <sup>b</sup> Ir. He. every person is exempt *from liability* for killing him, is when these things before mentioned were given for him, and the king has not neglected to restrain him, and he is not on the land of any particular person, and there is no particular person who feeds *him*. But if the king has neglected to restrain him, and if he is not in the employment or hire of any particular person in the territory, he (*the king*) shall pay for his crime; and if he be killed, the body-fine of a stranger who has a 'bescna'-compact shall be paid for it.

Neglect of restraint on the part of the king means, that he did not restrain him to *the employment of* a particular person, or did not have him *living* on a particular land, or fed by a particular person.

If he be on the land of a particular person, he (*the person on whose land he is*) shall pay his liabilities, and shall obtain his body-fine; and if he be killed, it is the body-fine of a stranger that is to be paid for him. And what makes a stranger of him is, his land having gone from him.

If a particular person feeds him, he shall pay for his crime according to the nature of the feeding before or after committing the crimes. Full fine *is to be paid* for the feeding before committing crimes, and half fine for the feeding after



**THE BOOK OF ABRAHAM.** mbiacharo iar nosenam cinato; ocur ictar in lan fiae, ocur nocon ictar in lef fiae, ar ir a cin fadurion icar cae ann irin mbiacharo iar nosenam cinato.

Cio foderia co nicar pur in lan fiae, ocur nae ictar pur in lef fiae? Ir e fae foderia, a dualgur inbleogian ictar in lan fiach, ocur a dualgur biata ictar in lef fiach.

**O'D. 1984.** [Ma tairnuc na reet cumala ita illaim flata do co-caitheam, ocur ni fuil nix a fuil tiumairce, ocur, ni fuil ar cur na ar faideil duine airi i rin crich e, ocur ni po biachurcar e duine nach faor ar cinad a bid, annirion ir comraite plan e, ocur ir plan da cach duine a marbad].

**C. 2548.** [Duine rin ocur a cinto for trebairu, ocur do rinne rogail amuic e iar rin; ocur tangur vagra a cina for an ti afa raibe re gur trara; ocur ni fear naxh aigi po rogail; ocur ir ireo nuc eolur amad gur an ina raibe. No dono, ir reir fein po roglaib, ocur vagra fiae do fein do duaid amad ann rin e.

Cio deorair tar crich, no deorair criche, no cid upraib aon criche don ti poib ninnraig e; \* \* uair dama deorair a reetar cuicib po gab do laim e gona cinto, nocha nicra a cin in ti var gabad do laim e, ocur nocha ninnraigre ar nech .i. upraib po gab do laim gona cinto runn, ocur an ti po gab do laim e, lan fiae an cina do dena do ic do; ocur nera fine ann na lepa, no cid compocur; uair na deirirac deorair preacair de, ir ina rogá rum ata cio be dib aicepur. Ocur ire a rogá rum fine vacra, ocur ica lan fiae purin feichem toichea, ocur toibgi lan fiae cuca amuic don ti po gaburcar do laim e gona cinto.

<sup>1</sup> *Against himself.* That is, it would seem, against the man with whom he had recently lived.

<sup>2</sup> *Or a stranger within the border.*—The reading in the MS. Egerton, 88, 45, appears to be "ceora, three," for which Professor O'Curry in his transcript, p. 2548, conjectured "deorair, a stranger. If the true reading be "ceora," the meaning would be a "stranger beyond three territories."

<sup>3</sup> *To shelter him.*—There is a defect in the MS. here, hence the passage is unintelligible.



committing crimes ; and the full fine is paid, and the half fine is not paid, because it is for his own crime that everyone pays in the case for feeding *him* after committing crimes.

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What is the reason that the full fine is paid by him, and the half fine is not paid by him ? The reason is, the full fine is paid on account of kindred, and the half fine is paid on account of feeding.

If the seven 'cumhals' in the hands of the chief happened to be exhausted, and the king has not neglected his restraint, and he (*the outlaw's son*) is not in the employment or hire of any particular person in the territory, and no person who is not exempt from crime in feeding him has fed him, then he may be killed with impunity, and any person is safe who kills him.

This is a person whose crimes were upon security, and he committed trespass outside afterwards ; and they came to sue the person with whom he recently was, for his crime ; and it is not known but that it was *while* with him he trespassed ; and it was he that brought word out to the place where he was. Or else, the trespass was committed against himself,<sup>1</sup> and *it was* to demand debts for himself he went out on this occasion.

Whether he be a stranger outside the border, or a stranger within the border,<sup>2</sup> or a native freeman of the same territory as the person who undertook to *shelter* him ;<sup>3</sup> \* \* \* for if it was a stranger of another province that undertook to be accountable for him,<sup>4</sup> together with his crimes, the person by whom he was taken in hand, shall not pay for his crimes ; and no one shall be sued for him,<sup>4</sup> \* \* \* i.e. a native freeman he took in hand with his crimes here, and the person who took him in hand shall pay full fine for the crime he commits ; and here family is nearer *relation* than bed, or it may be neighbourhood ; and as they have not made an outlaw of him, he (*the person aggrieved*) has his choice which of them he will sue. And his choice is to sue the family, and they shall pay full fine to the plaintiff, and they shall recover full fine outside from the person who had taken him in hand with his crimes.

<sup>4</sup> And no one shall be sued for him.—The MS. is again defective here. The passage is accordingly unintelligible.

### Lebar Aicle.

ba gu nuingsi for neč biačar fear nuprocra tar emē  
mal ban abač fo a lepuš ocur a comairlegatō an-  
to na tic fo luiši cana, ocur cuio a ceill an uinge;  
ir gin coll cana patraic do bepar .i. ata ačt anō  
b gan dena neič ir uprcuillte irin puašail fo patraic  
par rin for eir mbiačā; ocur for, da nōerina fogail,  
eipic na fogla uačā ne rin.

niungsi for neč biačur mac no ingin a ceile iar  
fogra .i. cethraime cumaile rin a leapugato ocur a  
comairlegato ban ocur mac na mupcartha na tiz fo luiši  
cana, gu naithi budein euca; ocur muna aičidōir, propa  
rlan.

Do ocur cuig fepiraill deš for nech biačar eirtec na-  
treba. Inonh rin ocur a ní romainn, ačt cuite geill nuz  
cuige tue ar airtō runn: da fepuball irin mboin, ocur  
fepubull irin tīamairc.]

### Acup munao.

.1. in valta, ačt mar a van oligčēč co van inoligčēč  
rucato he; ačt mara coonač he, rlan cen ní tic nuz fein,  
ocur enecclann tic ne cennaiō, ocur ne coibvelačaiō, ocur  
do cač aen da mbiao fogail enecclainni ina marbaō. A  
biačhao ocur a eituro ac denum a vana inoligčēč; ocur i  
necmaiō a pinečaiōe rin, ocur vamaō na pīaonaiōe, noco  
biaō ni do cečtar de.

Marā eccoonač he, ocur in necmaiō a pinečaiōe, enec-  
clann tic nuz fein, ocur enecclann tic ne cennaiō, ocur ne  
coibvelačaiō, ocur do cač aen da mbiao fogail enecclainni  
ina marbač; ocur a biačao ocur a eitro for. Marā  
beocneo po fepao air, ir coirpōiri a beocneiōi tic ne  
pinechaiōe.

<sup>1</sup> For "fogail," of the MS. Dr. O'Donovan suggested "focail," and translated accordingly.

Six cows with an ounce of *silver* is the penalty upon a person who shall diet a proclaimed man beyond the territory: i.e. this is a 'cumhal' of white proclamation, for supporting and advising a fugitive who does not come under the oath of 'cain'-law, and his partner's share of the ounce; but it is without violating the 'cain'-law of Patrick it is given, i.e. there is a condition that this *fine* is imposed upon the feeder when nothing that is forbidden in this rule of Patrick is committed; and moreover, if he (*the fugitive*) committed trespass, 'eric'-fine for the trespass is *due* from him in addition.

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A cow with an ounce is the *fine* upon the person who feeds a son or daughter of another after being proclaimed, i.e. this is the fourth of a 'cumhal' for supporting and advising the women and sons of the foreigners who do not come under the oath of 'cain'-law, until they themselves, (*i.e. the parents*) visit them; but if they visit them, he (*the person who feeds them*) is exempt.

A cow and fifteen 'screpalls' is the *fine* upon the person who feeds a houseless person. This is the same as the foregoing, except that the share of the pledge of a king of a province is brought forward here; two 'screpalls' for the cow, and one 'screpall' for the 'samhaisc'-heifer.

#### And teaching.

That is, the pupil, if he was brought from a lawful to an unlawful profession; but if he is a sensible adult, there is exemption from paying anything to himself, but honour-price is to be paid to *his* chiefs,<sup>a</sup> and to *his* relations, and to every-one who would have a share<sup>1</sup> of the honour-price for his being killed. He is to be fed and clothed while learning his unlawful profession; and this *is* in the absence of his family, and if it were in their presence, there would be nothing *due* to either of them.

<sup>a</sup> Ir. Heads.

If he be a non-sensible person, and *if it be* in the absence of his family, honour-price shall be paid to himself, and honour-price shall be paid to *his* chiefs,<sup>a</sup> and to *his* relations, and to everyone who would have a share of honour-price for his being killed; and, moreover, he is to be fed and clothed. If it be a life-wound that has been inflicted on him, the body-fine for his life-wound shall be paid to *his* family.



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Mar a fíadhnair a fíneáir, fían can ní tic fíar in fíne  
ann, ocur enecclann tic fírium; ocur mara beocneó ro  
fíaró air, ír coirpóirí a beocneó tic fírium; ocur mara  
marbó, ír a bfeicé do fíneáir. U biathó ocur a eíteó  
fíar ac denam a dāna inóligéig, ocur íe fíon comat íe ro  
bai ac denam a dāna inóligéig in cach inó doib fíon.

Mar o dān óligéic co dān óligéic fíeacó he, mara eut-  
puma loig in dāna o fíeacó he ocur loig in dāna do cum i  
fíeacó, no eio mo loig in dāna o fíeacó, íeacó in taití  
fíeacótar loig in dāna dā denac ac an aiti o fíeacó; ocur  
íe cetracó co mbeicé enecclann don aiti.

Mar a mo loig in dāna eut a fíeacó he, íeacó in taití  
fíeacótar loig in dāna do denac ac in taití o fíeacó, ocur  
toibgeó a ímarpíacó ma conic, ocur mana eumac, ír a dūl  
íe íar.

Nó dīngbail fíon eutí bel.

.1. in eutíacó aítacigé; aít ma ro aítacígeó ír eutíac  
eutíacó inó bōeín ocur ína clainó, a beicé inó bōeín ocur  
a beicé ína clainó. Ma ro aítacígeó eutíac eutíacó inó  
bōeín, ocur nír aítací a beicé ína clainó; no ma ro  
aítací a beicé ína clainó, ocur nír aítací a beicé inó bōeín;  
cach ní ro aítací ír a beicé do, cach ní nar aítací ír a  
neimbeicé.

In clann do fíne fíar in achteugá .1. fíeacó cennac in  
fíeacó, ír a mbeicé ína nōeacóacó. In clann do fíne  
íar in achteugá, ír a mbeicé ná eutíacóacó, .1. íar cennac in  
fíeacó; ocur o bīar inó aít no mūlino eutíacóacó íle  
ac dūine, no o cōineocó, do ní eutíacó do.



If it was in the presence of his family *he was taught*, there is exemption from paying anything to the family for it, but honour-price shall be paid to himself; and if it be a life-wound that has been inflicted on him, the body-fine for his life-wound shall be paid to himself; and if he be killed, it (*the fine for it*) shall be obtained by his family. He shall be also fed and clothed while learning his unlawful profession, and it (*the fine*) is proportioned to the length of time that he has been learning his unlawful profession in each case of these.

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If he has been brought from a lawful profession to a lawful profession, if the price of *learning* the profession from which he had been taken, and the price of the profession to which he has been brought, are equal, or, though the price of the profession from which he was taken be greater, the teacher who has taken him shall pay the teacher from whom he was taken away the price of teaching the profession; and it is an opinion of *some lawyers* that the *former* teacher should have honour-price *also*.

If the price of the profession to which he has been brought is greater, the teacher who has taken him shall pay the teacher from whom he has been taken the price of learning the profession, and let him recover the difference\* if he can, \* *Ir. Excess* and if he cannot, it (*the fine*) shall fall to the ground.

Or evading verbal engagements.

That is, the stipulating native freeman; if he has stipulated that the 'eric'-fine of a native freeman should be for himself and for his children, it shall be for himself and for his children. If he has stipulated *that* the 'eric'-fine of a native freeman *should be* for himself, and did not stipulate that it should be for his children; or if he stipulated that it should be for his children and did not stipulate that it should be for himself; whatever he has stipulated he shall have, whatever he has not stipulated, he shall not have.

The children whom he begot before the stipulation, i.e. before purchase of the land, shall be strangers. The children whom he begot after the stipulation, i.e. after the purchase of the land, shall be native freemen; and when a man has the site of a kiln or of a mill of rightful land, or when he shall purchase *such*, it makes a native freeman of him.

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C. 1619.

17 ar gabar eirein: 17 uppað imurro in deopaið crenar  
feilb.

Man a gpað peçta po [p]acaið a [p]aeram por tuine nað  
loman comarba, no maða tuine nað gpað peçta po pacaið  
a paeram por loman comarba, cuic feoit do ceçtar de;  
no cumao cuic feoit doib mar aen, ocur da trian dpir in  
paerma, ocur aen trian dpir na athgabala, ocur in athg-  
abail do lecan po çail.

O'D. 1987. Taircpiu ðligið i leð pe cpeçaið ocur pe cneðaið, [geibioð  
greim] pīr paerma no airbirta poerma i leið pe cneðaið  
ocur pe cpeçaið. Mana puil taircpiu ðligið, no cu  
namail tarba; geibioð greim pīr paerma, no airberc  
poerma i leið pe athgabail, cen co poib taircpi ðligið.

ðliatoin don lomain comarba im a pincintaið fein ocur  
im pincintaið a athar; mī do imm a nuacintaið fein ocur  
im nuacintaið a athar. Raiði don coðnað im a pincin-  
taið fein ocur im pincintaið a athar, ocur peçtmoin  
do im a nuacintaið fein ocur im nuacintaið a athar.

Canar a ngabar in mī ata don eccoðnaç im a nuacin-  
taið fein ocur im nuacintaið a athar?

- C. 1619. 17 ar gabar: añaail 17 e aile dec in raiði [ata do coðnað  
im a pincintaið buðein ocur im pincintaið a athar] in  
C. 1619. peçtmoin ata do im a nuacintaið [buðein ocur im nuac-  
intaið a athar,] coir no dpirde, uair 17 bliatoin ata don  
eccoðnaç im a pincintaið fein ocur im pincintaið a  
C. 1619. athar, cemað mī do beð do im a nuacintaið [buðein ocur  
im nuacintaið a athar] .i. ciamað ail dec na bliatona  
rin.

In turbaio bliatona uil don eccoðnaç im a pincintaið  
fein ocur im pincintaið a athar, gpað peçta po pacaið

<sup>1</sup> A minor.—“loman comarba,” is a minor who has lost his father.

<sup>2</sup> There is something omitted here. For “athgabail” in this place, and in the next sentence, Dr. O'Donovan suggested “aithgin, restitution or compensa-  
tion.”

This is derived from:—"The stranger moreover who purchases property is a native freeman."

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If it be a *man of* septenary grade who gave his protection to one that is not a minor,<sup>1</sup> or if it be a person who is not of septenary grade that gave his protection to a minor, five 'seds' are due to either of them; or, *according to others*, it may be five 'seds' to both of them, and two-thirds thereof are for the protector, and one-third for the man entitled to the distress, and the distress is allowed to escape.<sup>a 2</sup>

\* Ir. *Is*  
*let into the*  
*wood.*

When law is offered with respect to plunderings and wounds, knowledge of protection or being told of protection takes effect respecting wounds and plunderings. If there is no offer of *submitting to law*, *knowledge of protection or being told of protection* has no effect; but with respect to distress, knowledge of protection or being told of protection takes effect, although there was no offer of law.

The minor remains<sup>b</sup> a year *under exemption* respecting his own old offences and the old offences of his father; a month respecting his own recent offences and the recent offences of his *deceased* father. The sensible adult remains<sup>b</sup> a quarter of a year *under exemption* respecting his own old offences and the old offences of his father, and a week respecting his own recent offences and the recent offences of his father.

\* Ir. *Has.*

Whence is derived the month which the minor has for his own recent offences and the recent offences of his father?

It is derived from this:—As the week which the sensible adult has for his own recent offences and the recent offences of his father is the one-twelfth of the quarter of a year which is *allowed* to him for his own old offences and the old offences of his father, it is right from this, that as it is a year the non-sensible person has for his own old offences and the old offences of his father, it is a month, i.e. the one-twelfth of that year,<sup>3</sup> he should have for his own recent offences and the recent offences of his father.

As to the year's exemption which is *allowed* to the non-sensible person for his own old offences and the old offences

<sup>3</sup> *The one-twelfth of that year.*—The text of this paragraph is corrupt in E, 3-5,—O'D. 1483,—and has been corrected from C. 1619.



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poeram for loman comarba ann; ocur i bail ata in mi ata  
in a nuacintuib fein, poerum gnaio peçta ril andro; ocur  
in a nuacintuib ata in mi do. 1 bail ata in paiti don  
coonaç in a feincintuib, turbaio eppaig no poçmaip tue  
duine ap aip ann; ip amlaio rin do biaio don eccoonaach  
in turbaio eppaig no poçmaip, ðamao i in turbaio rin po  
aipberetnaiged.

In bail ata peçtmain don coonaç, turbaio eppaig no  
poçmaip po aipberetnaig and for, ocur in a nuacintuib  
ata in peçtmain; ocur ip amlaio do biaio don eccoonaach in  
a nuacintuib, ðamao i in turbaio [rin] po aipberetnaiged.

C. 1619.  
O'D. 1989.

[No ina elod iap luighe po aoth ocath anma.

Deibpoçgell lui nach nemeo do gait o gnaio peçta eile  
a peçtar maigin. Ocur in coibeip ita ina gait do gnaio peçta  
o po gatao, ipeo ata dorom, ocur coibeip i ril denecclann  
inn, ocur peçtmao mapoça an gnaio for a ðeipnao in  
deibpoçgell.

Maia çairce po icrum imao in gait ina po fer conaip  
eile iat, ipa aipic dorom a pug uao, ocur lan ðipe, ocur  
leç ðipe, ocur trian ðipe, ip na tri ceo petao o fir in  
deibpoçgill leo; ocur gabat a peoit fein gneim aieina  
dorom.

Maia çairce po fer in pet conaip eile ina po icrum é,  
in coibeip po icarom amao ino gin a fir, gupab eo icthar  
pup, ocur lan ðipe, ocur leç ðipe ocur trian ðipe ip na tri  
petao; cona mepa ðep denma in deibpoçgill in tan na  
po hicaio na peoit amao no in tan po hicaio. Deibpoçgell

<sup>1</sup> That they had gone another way.—That is; it would seem, that the man accused  
and made to pay in the first instance, was not the actual thief.



of his father, a *man of septenary grade* has given his protection to the minor in the case; and where the month is *allowed* for his own new offences, the protection of a *man of septenary grade* is *given* here also; and *it is* for his new offences the month is *allowed* to him. Where the quarter of a year is *allowed* to the sensible adult for his old offences, *it was* the exemption of spring or autumn one pleaded then;\* and it is so the exemption of spring or autumn would be *allowed* to the minor, if it was that exemption he pleaded. THE BOOK  
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—  
\* Ir. Brought  
forward.

Where there is a week *allowed* to the sensible adult, *it was* the exemption of spring or autumn he pleaded also, and the week is for his recent offences; and it is thus it (*the exemption*) would be *allowed* to the minor for his new offences, if it was that exemption he should plead.

Or in evading after taking an oath, “ocath anma.”

A false oath respecting the stealing of an article of little value belonging to any ‘neimedh’-person from another of septenary grade, from a *place* outside a precinct. And the amount that is *due* to the *person of* septenary grade for the theft, when the theft takes place, is what is *due* to him, and the amount of honour-price which is *due* for it, and the seventh of death-fine of the grade against which the false oath was made.

If he had paid the *penalty for the* theft out sooner than it become known *that they (the seds) had gone* another way,<sup>1</sup> it (*the penalty*) is to be restored by him who took it from him, and full ‘dire’-fine, and half ‘dire’-fine, and one-third ‘dire’-fine for the three first ‘seds’ along with them from the man who took<sup>b</sup> the false oath; and his own ‘seds’ are \* Ir. of. subject to a claim for compensation for him.

If the ‘sed’ had been known *to have gone* another way before he had paid *for* it, the amount which he should pay out for it without its being known, is what is paid to him, and full ‘dire’-fine, and half ‘dire’-fine, and one-third ‘dire’-fine for the three *first* ‘seds;’ so that it is worse for the man who made the false oath when the ‘seds’ were not paid out than when they were paid. This is *a case of* false swearing

Leban Circle.

51 in, oup namao derborzill cuir no cunnarta, if  
i nama.

tablat ocur eneclassn iwin anpocal cuir no cunnartha  
; l ocur braxoe]. Ocur tablat nama iwin anpocal  
no cunnartha; ocur peñt cumala do rmañt ocur  
eneclassn buñein a nñeñbñorñeall cleñe for na  
ñib; ocur leñ peñt cumala do rmañt ocur lan  
ñeñann buñein a nñeñbñorñeall cleñe for ññib.

Šne eile: lu a pečtar pačchi, pečtaro eneclainni to zach mo. Lan poiščell co neitech lui pečtar pačchi; our leč pečtaro ina pačh iy go to toing, cin poiščell.

Mað lan þorpseill íga eilífur o ða lu ruar, ír lan  
eneclann so into ina það ír go; ein þorpseill, ír leð ene-  
clann.

Ma o im lu atreid eiligher, y leŋ enecclann do mo;  
mao rao y go, cin foirgill, y cethraime enecclainne.

Տուտս քը մսւոնԾուրս քօր ծրօժ ԵրԵՆԱ.

1. ԾՈՒՈՒ ԱՐԻՈՒ ՈՒ ԲԻՐ ԾԱ ՄԱՍԻՆՈՒՐ ԽԵՐԿԱՐ Ա ՇԵՐՈՒ ԲՈՐ  
ՇՐՈՇԽԵՐՇՆԱ.

Ներսիս Մաթաթի լաւի մայրն.

1. μαρὰ περ σεμνυνόντις υπηκόμα, οὐρ fine cen macu,  
 O'D. 1990. ιν ποινον αρ το [ιν τοιβατ]. Μα ταιτ μεις, ιν τα τριαν το  
 να macaib, οὐρ τριαν τfine.

Մարա քըր առաւելաւնի սրնատա, օսւր բնե ըն մաւս,  
 Երիտ թրք անո, օսւր թա Երիտ թրքնե; օսւր մա լաւտ մեւ, իր  
 քօնոն ար թօ.

<sup>1</sup> An 'adaltrach'-woman of contract.—This would appear to have been a woman not a first wife, but living as wife with a man, on certain conditions. Frequent mention of persons occupying this position is found in the Brehon Laws.

respecting theft, and if it were false swearing respecting bargain or contract, it is *a case of* compensation only.

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—

Double and honour-price *are due* for the falsehood *in a case of* bargain or contract, or of pledge and hostage. And, *according to others, it is* double only for falsehood *in a case of* bargain or contract; and seven 'cumhals' of 'smacht'-fine and his own full honour-price for false swearing respecting an article of much value against men of high degree; and half seven 'cumhals' of 'smacht'-fine and his own full honour-price for false swearing respecting an article of much value against men of low degree.

Another version: *as to* an article of little value *taken from a place* outside a precinct, one-seventh of honor price *is due* for it, to every one. Full testimony *is required to prove* that it was falsehood *he swore* respecting an article of little value outside a green; and half one-seventh *of honour-price is due* for saying "it is a lie he swore," without testimony.

If there be full testimony to impugn him *from the case of* an article of little value upwards, full honour-price *is due* to him for saying "it is a lie;" without testimony, it (*the penalty*) is half honour-price.

If it is respecting an article of little value *stolen* from a house, he is impugned, he has half honour-price for it; if he says "it is a lie," without testimony, it (*the penalty*) is one-fourth of honour-price.

Shelter to the family member for bad 'bescna' compacts.

That is shelter to the man by his family, who uses language dangerous to 'bescna'-relations.

The mother obtains the 'rath'-portion of the sons.

That is, if he be the husband of a first wife of contract, and the family *is* without sons, the property is to be divided in two. If there be sons, two-thirds *go* to the sons, and one-third to the family.

If he be a man living with\* an adaltrach'-woman of <sup>•Ir. of.</sup> contract,<sup>1</sup> and the family *is* without sons, one-third *of the property goes* to the man in this case, and two-thirds to the family; and if there are sons, it is to be divided in two.



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AICILL.

Canar a ngabar in trian ata dpir adaltraiḡi urnatoma, uair nach in dpirenn lebar? Ir ar gabar, o pir cetmuinntere urnatoma; reirer imarparat ata do na macaib cetmuinntere urnatoma reč per cetmuinntere urnatoma; coir no deirde, cemad reirer imarparat do beir do macaib adaltraiḡi urnatoma reč per adaltraiḡi urnatoma.

C. 1625. [Cin cetmuinntiri for macu 7rē.

.1. Cetmuinntir urnatoma, co macaib; da trian a cinad for a macaib, aon trian for a fine.

O'D. 1993. Dia mbera[mac] do cetmuinntir, ocur ruc mac dper eile iar rin, rannait a cinad etorra i noé, ačt reirde dimporparat for mac na cetmuinntire; ocur ir eirde berer do rom a fine. Ocur ir e ripenaiḡer ar in imad cinad icur cehtar de fo leir, manab inann mathair doib, ocur in reirde ata iter in leč ocur an trian; ocur biḡ amlaib rin ciḡ inann mathair doib.]

Marā per cetmuinntire roxal, ocur fine cen macu, tri nomait dpir anu, ocur re nomait dpirine. Cen macu rin; ocur ma tait mic, ceirri nomait do macaib, ocur cur nomait dpirine, leč ocur leč nomait dpirine, leč cenmoča leč nomait do macaib.

Marā per adaltraiḡi roxal, ocur fine cen macu, ir da nomait dpir, ocur rečt nomait dpirine. Cen macu rin; ocur ma tait mic, ir tri nomait do macaib, ocur tri nomait dpirine.



Whence is derived the third which is *due* to the man living with the 'adaltrach'-woman of contract, as no book tells it? It is derived from *a comparison with the share of the husband of the first wife of contract*; there is a sixth more *given* to the sons of the first wife of contract than to the husband of the first wife of contract; it is right from this, that the sons of the 'adaltrach'-woman of contract should have a sixth more than the man who lives with the 'adaltrach'-woman of contract.

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The liability of the first wife is *to be* on *her* sons, &c.

That is, the first wife of contract, with sons; two-thirds of her liability *are to be* on her sons, one-third on her family.

If she brought forth a son for a first husband *first*, and brought forth a son for another man afterwards, they (*the sons*) divide her liabilities in two between them, but *there is* an excess of one-sixth upon the son of the first husband; and this is taken by him off the family *of the mother*. And what exonerates *the family* from the whole of the liabilities is *what* each of them (*the sons*) pays separately, if their mother be not the same, and the sixth which is between the one-half and the one-third; and this is the case though their mother is the same.

If he be the husband of a first wife of abduction, and the family *be* without sons, three-ninths *are allotted* to the husband in this case, and six-ninths to the family. This is *when they are* without sons; but if there are sons, four-ninths *are thrown* upon the sons, and five-ninths upon the family, *i.e.* one-half, and a half-ninth upon the family, *and* one-half, except a half-ninth upon the sons.

If he be a man living with an 'adaltrach'-woman of abduction, and the family *be* without sons, two-ninths *are allotted* to the man, and seven-ninths to the family. This is *when they are* without sons; but if there be sons, it is three-ninths *that are allotted* to the sons, and three-ninths to the family, *and the remaining three-ninths to the man*.

## Ledar Aicle.

laiḡ imṭa do niter don dibat rirana pe tecmairin  
lainṭi pe raine nathar, no pe tecmairin raine ur-  
na pe haen athair, cemaṭ inant clann. Ir e raṭ ar  
rintar rin, in cutruma bepat mic cetmuinṭir  
ma, corab a leṭ bepat rine; ocur in cutruma  
it rine, corab a leṭ bepat meic adaltraiḡi ur-  
ia; ocur in cutruma bepat mic adaltraiḡi urnaṭma,  
ir a leṭ berur fer adaltraiḡi urnaṭma; ocur in cutruma  
berur fer adaltraiḡi urnaṭma, cur a leṭ bepat meic  
altraiḡi foxail; in cutruma bepat meic adaltraiḡi  
xail, cur a leṭ berur fer adaltraiḡi foxail.

Se ranna do denum don dibat, ocur ceirṭi ranna, ocur  
oṭ ranna, ocur nae ranna, ocur deiḥ ranna, ocur aen  
rann dec.

Ocur caḥ uair ir pe ranna, ceirṭi ranna do macaib  
cetmuinṭir urnaṭma, ocur ḡa raint ḡrine, ocur raint  
ḡri adaltraiḡi urnaṭma.

Cach uair ir oṭ ranna, ceirṭi ranna do macaib cet-  
muinṭir urnaṭma, [ḡa] ranna ḡrine, ocur ḡa raint do  
macaib adaltraiḡi urnaṭma.

Cach uair ir nae ranna, ir a mbiḥ amail aubramar  
romainṭ, aḥ fer cucat; cach uair ir nae ranna, mac  
adaltraiḡi in foxail cucat.

- C. 1627. Cach uair ir aen rann dec, [ceirṭi] ranna ṭib do macaib  
cetmuinṭir urnaṭma, ocur ḡa rann ḡrine, ocur ḡa  
rann do macaib adaltraiḡi foxail, ocur rann ḡri foxail;  
C. 1623. [ocur ḡa raint do macaib adaltraiḡi urnaṭma]. Ocur  
C. 1628. ce tomaiteṭ ni pe [fer] cetmuinṭir, no adaltraiḡi

<sup>1</sup> Six parts are made of the property.—In C. 1627, &c., the divisions are said to be five, and seven, and eight, and nine, and eleven. The numerals, which are nearly all wrong in E. 3-5, O'D. 1486, are there correct throughout.

Many family distributions<sup>a</sup> are made of the property here by the accident of different children by different fathers, or by the accident of different contracts with the one father, though the children be the same. The reason this is done is, of the proportion *of the property* which the sons of the first wife of contract obtain, the family obtains the half; and of the proportion which the family obtains, the sons of the 'adaltrach'-woman of contract obtain the one-half; and of the proportion which the sons of the 'adaltrach'-woman of contract obtain, the man living with the 'adaltrach'-woman of contract obtains the half; and of the proportion which the man living with the 'adaltrach'-woman of contract obtains, the sons of the 'adaltrach'-woman of abduction obtain the half; and of the proportion which the sons of the 'adaltrach'-woman of abduction obtain, the man living with the 'adaltrach'-woman of abduction obtains the half.

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<sup>a</sup> Ir. Families, or hearths.

Six parts are made of the property,<sup>1</sup> and four parts, and eight parts, and nine parts, and ten parts, and eleven parts.

And whenever it is *divided into* six parts,<sup>2</sup> four of these parts are given to the sons of the first wife of contract, and two parts to the family, and one part to the man living with the 'adaltrach'-woman of contract.

Whenever it is *divided into* eight parts, four parts go to the sons of the first wife of contract, two parts<sup>3</sup> to the family, and two parts to the sons of the 'adaltrach'-woman of contract.

Whenever it is *divided into* nine parts, they are to be distributed as we have said before, but the man is to be included<sup>b</sup>; whenever it is *divided into* nine parts, the son of the 'adaltrach'-woman of abduction is to be included.<sup>b</sup>

<sup>b</sup> Ir. With you.

Whenever it is *divided into* eleven parts, four parts of them go to the sons of the first wife of contract, and two parts to the family, and two parts to the sons of the 'adaltrach'-woman of abduction, and one part to the man living with the 'adaltrach'-woman of abduction, and two parts to the sons of the 'adaltrach'-woman of contract. And though a part be claimed by the husband of the first wife, or of the

<sup>2</sup> Six parts.—The text is here evidently wrong, as it is clear from what follows that there must have been a sevenfold division.

<sup>3</sup> Two parts.—The MS. E. 3-5 here has "five parts," which is plainly wrong.



## Leban. Aicle.

na tait meic ann, noco bepat nač ni. Ocur in eut-  
t ata do člaino poxail, bepat poxol trian a eotac  
ib daitib a inoligib ap pine beč ina aittin in poxail;  
ip iup do čuato menma in uoap, eumato menca cina  
ina oibato ica compaino; uair in ti po bepat pann  
don oibato po icpat pann mox don cinao.

Ocur in eutpuma l [redacted] poxal don člaino poxail, peč  
panna do denuo de, ceitri panna do macaib cetmuino-  
tipe upnatoa, ocur da panno tpine, ocur pann tpir adal-  
traiči upnatoa.

In clann do gentar pu, co mbeč coemačta tobaič in ppi  
pe oligeč co cenō mup ap a aile, ip an nōilpi tpir no  
tpine; ocur an a poža ata in pacpat no na pacpat. Ocur  
da pacat, noco nupailenn oligeč oppoieic a peic manab  
ail leo fein.

In clann do gentar iap an mup noco tpat ap upnatoa  
noligči; ocur ip iat pin ip clano cetmuinoitipe poxail ann,  
no adaltraiči poxail.

In clano do gentar iap na tiačtain ap upnatoa nolig-  
ti, ip iat pin ip clano cetmuinoitipe oligči, no adal-  
traiči oligči.

Maia cin ocur oibato uil ano, ocur clann coonač ocur  
clann ecoonač, in oibato do uil ipin cinao.

Maia mo in cin ina in oibač, ip a ic don člaino coonač,  
ocuricat in clann eccoonač pu iapoin; no dono čena, co  
na icaiup do gup, uair ip i a neccoonaioetpu po poep iat  
ap tūp.

Maia mo in cin ina in oibato, no maia oibato cen cinao,  
ip a compaino oib etappu, ocur ip eutpuma bepat clann  
coonač ocur clann eccoonač eipic.

<sup>1</sup> Seven parts. — C. 1629. has eight parts, of which two are to be given to the  
sons of the 'adaltrach'-woman of contract.



'adaltrach'-woman, he shall get nothing if there be sons. THE BOOK OF AICILL.  
 And *as to* the portion which is *due* to the children of the  
 'adaltrach'-woman of abduction, the abductor shall get a  
 third of their share from them, to avenge their illegal conduct  
 upon the family for having been cognizant of the abduction ;  
 for the idea of the author *of this law* was this,\* that the  
 liabilities of all were more frequently divided than the  
 property ; for the person who should get a large share of  
 the property should pay a large share of the liability.

\* Ir. *It was with this the mind of the author went.*

And the portion of which the abduction deprives the children of the abduction is to be divided into seven parts,<sup>1</sup> of which four parts go to the sons of the first wife of contract, and two parts to the family, and one part to the man living with the 'adaltrach'-woman of contract.

The children that are begotten by them, while there is power to force the man to law, to the end of a month after it (*the abduction*), belong by right to the man or to the family ; and it is in their choice whether they will sell or not sell them. And if they sell them *it is of choice*, for the law does not oblige them to sell them if they do not wish it themselves.

The children that are begotten after the month do not come under lawful contract ; and these are *styled* " the children of a first wife of abduction " or " of an 'adaltrach'-woman of abduction."

*As to* the children that are begotten after she has come under lawful contract, it is they that are *styled* " the children of a first lawful wife," or " of a first lawful 'adaltrach'-woman."

If there be liability and property, and children *who are* sensible adults, and children *who are* infants, the property shall go in payment of<sup>b</sup> the liability.

<sup>b</sup> Ir. *in.*

If the liability exceed the property, it is to be paid by the children *who are* sensible adults, and the infant children shall pay them their share afterwards ; or, indeed, *as some maintain*, they should never pay them, for it was their state of infancy that exempted them at first.

If the liability exceeds the property, or if it be property free from liability, they are to divide it equally between them, and the adult children and infant children obtain equal shares.

### Leban Aicle.

Ma ta mac ann, noco beipend in ingen [ní do] dibad̃ a mathap̃ no athap̃, aēt lann, ocur pann, ocur bregda; no comat̃ čairis ocur eliora; no dono, comat̃ na pcuti do panno doib; ocur ip̃ ar gabair eip̃ein: pannoait ingenu macu.

Ma tait ingena di pup in pep̃ po mapb hi, ocur ingena di pe pep̃ aile, cuitis a hachap̃, ocur leč cuit pine do bpeič̃ dīngenaib in pip̃ o na mapb hi, ocur leč cuit pine do bpeič̃ dīngenaib in pip̃ aile; ocur tpebair̃e orpo cen a bponat̃o i nūñdeič̃biruip̃, ocur im a aip̃ec uatib̃ iap̃ir an pe.

Ma tait ingena di pup̃in pep̃ o nat̃ mapb hi, ocur ni puil ingena di pe pep̃ aile, cuitis athap̃ ocur leč cuit pine do bpeič̃ dīngenaib in pip̃ o nat̃ mapb hi.

Ma tait ingena di pup̃ in pep̃ o nat̃ mapb hi, ocur meic di pup̃ in pep̃ aile, in cūpuma po bepat̃orūm: Čp̃ neimb̃eič̃ claindi aici, corub̃ eo bepat̃ na ingena.

### Čairido diu tuič̃e.

.1. cio uat̃at̃, cio počair̃de tainic ar̃ aig̃io a aenup̃ ip̃in tulaič̃ dala, do neoč̃ na tainic i nellač̃ na daim̃e neič̃ aile, ocur na tainic po čomup̃ duine up̃p̃oalta, ip̃ in naenmat̃o pann pichit̃ da eneclainn do i comair̃ci ina p̃iat̃onair̃e.

Map̃a nelleč̃ daim̃e neič̃ aile, noco nuil ni do pein; ocur ata in aenmat̃o panno pichit̃ da eneclainn do tair̃eč̃ na daim̃e.

Map̃ po čomup̃ duine up̃p̃oalta tancat̃up̃, noco nuil ni doib̃urūm ant̃; ocur ata in naenmat̃o pann pichit̃ doñ ti po

<sup>1</sup> *If there be a son.* This is given somewhat differently in O'D. 1996 & C. 1629.

<sup>2</sup> *And security.* For “tpebair̃e” O'D., 1996, reads “coim̃ge.”

If there be a son,<sup>1</sup> the daughter does not obtain any part of the property of her mother or father, except the blade of gold, and the silver thread, and the tartan cloth; or, *according to others*, it may be the sheep and the bag *she is to get*; or, indeed, *according to others*, they may divide equally the movable property; and this is derived from: "the daughters share with the sons."

If she has daughters by the husband with whom she died, and daughters by another husband, the share of her father, and half the share of the family shall be obtained by the daughters of the husband with whom she died, and half the share of the family shall be obtained by the daughters of the other husband; and security<sup>2</sup> *is to be given* by them not to damage it unnecessarily, and to return it after the time.

If she has daughters by the husband with whom she died, and has not daughters by another husband, the share of the father and half the share of the family shall be taken by the daughters of the husband with whom she died.

If she has daughters by the husband with whom she died, and sons by the other husband, they shall obtain equal shares. If she has not had *male* children, the daughters shall take it (*the property*).

They take the 'dire'-fine of the hill *of meeting*.

That is, whether one person, or many came to the hill of meeting, before him (*a privileged person who was*) alone, and did not come in the train of the company of another person, and did not come under the guidance of a certain person, the one and twentieth part of his honor-price is *due* to him for any quarrel in his presence.

If *he came* in the train of the company of another person, there is nothing *due* to himself; but the one and twentieth part of his honor-price is *due* to the chief of the company.

If they came under the guidance of a certain person,<sup>3</sup> there is nothing *due* to themselves for it (*the offence*); but the one and twentieth part of honor-price is *due* to the person under

<sup>1</sup> *The guidance of a certain person.* The paragraph is thus given in C. 1633.

<sup>2</sup> "If it was under the guidance of a certain person, nothing is due to any man of them, except the person under whose guidance they came, and the one and twentieth of his own honor-price is due to him."



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tancatar tomur, a leč to pein, ocur a leč to tairēāib na  
dāime; ocur comicait etarru na tairiḡ dam po comairi  
no po lečairi. Ocur in eutruma po roich do each tairēch  
dāime, a leč to pein, ocur a leč dā dāim; ocur cač aen dā  
dāim na fuil ann, iḡ a čuit do brieč dorum, uair iḡ e po  
berao a čuitiḡ tpeabuire.

In aen tiḡ no in naen aipečt rin co naicrin no cen aicrin;  
no cen co pacaiḡ, ni raiḡi do tiḡi dāime no dūmician cpič  
etarru ni na pacpeto co mbič ačičiḡo orpo.

Ma po bi do tiḡi dāime no dūmician cpič etarru ni na  
pacpeto co mbič ačičiḡo orpo, ocur maiḡen rin; ocur ma  
pacaiḡ, ocur iḡ laiḡ in perrann, no ma pečtar maiḡin, ocur  
atcondaic, ciro laiḡ cen cob laiḡ in perrann, iḡ a leč nomao  
rann pichit.

Ma pečtar maiḡin, ocur ni pacaiḡ, ocur iḡ laiḡ in  
perrann, iḡ in nomao rann na haenmao rannoi pichit.

Cač uair na pacaiḡ, ocur nač laiḡ in perrann, ciro maiḡin  
ciro pečtar maiḡin, noco nuil ni ann.

Comeiriḡi rin, ocur maḡ rogail iḡ mo na comeiriḡi, in  
tainmpainoi dā eneclaino pein ata don ti iḡi a nōernao  
in rogail, corab e in tainmpainoi rin ber don ti in nōernao  
riatonaire. Comeiriḡi pe inoileč; ocur cema uiler etarru  
bōein, ocur o cenḡaib, ocur o coibolačāib, tpe fuiriḡuio  
comairiāi cneḡ in uair rin, noco moite iḡ uiler a riāč-  
naire.

Mā tria fuiriḡuio bi[ḡ]banuir na imtectaiḡ, amuil bu  
uiler etarru pein ocur o cenḡaib, ocur o coibolačāib, iḡ  
amlaiḡ do o lucht na riatonaire.

Ma po ba uiler don dāra dē ocur inoiler dā raiḡe, rlan  
don ti dā bu uiliur, ocur riach comeiriḡi on ti dā bu

<sup>1</sup> *Pay it.*—For “comicaḡ” of the MS., Dr. O'Donovan suggested “compan-  
naḡ, they divide.”

<sup>2</sup> *A nine and twentieth part of honor-price.* C. 1633. has “the one and twentieth  
part.”



whose guidance they came, one-half of it to himself, and one-half to the chiefs of the company ; and the chiefs of companies pay it<sup>1</sup> among them equally or unequally *according to their rank*. And of the portion which comes to each chief of a company, one-half *belongs* to himself, and one-half to his company ; and he takes the share of every one of his company who is not present, because it is he that should take *upon him* his (*the absent man's*) share of guarantee.

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This is in one house or at one meeting when he (*the privileged person*) saw them, or did not see them ; or though he did not see them, there was not such closeness of men or distance of land between them that he could not see so as to recognise them.

If there was such closeness of men or distance of land between them that he could not see so as to recognise them, and this *within* the precinct ; and if he saw, and the land is his, or if it be outside the precinct, and he saw, whether the land be his or not, it (*the fine*) is half of a nine and twentieth part of honor-price.<sup>2</sup>

If it be outside the precinct, and he did not see, and the land is his, it (*the fine*), is the ninth part of the one and twentieth.

Whenever he did not see, and the land is not his, whether *within* precinct or outside precinct, there is nothing *due to him* in the case.

This is *in a case of* opposition, and if it be injury greater than opposition, the proportion of his own honor-price, which is *due* to the person to whom the injury was done, is the proportion that will be *due* to the person in whose presence it was done. *This is* opposition to an unlawful person ; and though it should be lawful between themselves, and from chiefs, and from kinsmen, in consequence of a balancing of wounds at that time, it is not the more lawful in the presence.<sup>3</sup>

If it was in consequence of previous enmity *the offence was committed*, as it would be lawful between themselves, and from chiefs, and from kinsmen, it would be so from those in the presence.

If it was lawful to the one and unlawful to the other, the person to whom it was lawful is exempt, and fine for

<sup>2</sup> *In the presence*.—For "α πιαόναιρε," Dr. O'Donovan suggested "ὁ ἑὺτε πιαόναιρε"; and for "κα ἡμετέρας" of the next line "πειντέρας."

## Leban. Aicle.

intoler; ačt mun but e a pecpa cupub da točur de do punde in eipgi, ocur map eo, [iplan do].

In tereup, o do gena aipenn ocur ceilebrat ipin tulais dala, ata pectmat nonclainde do i comeipgi do denum inti co cenn mip, ma do pine iat map aen, no co cenn deč-maioi, mana deyna ačt nečtar de.

[Fear eppuroipgi pečta piž, leba lečtan la cogriann un. puiōe.

.1. la ciallrunugač eipc ap na un. ninačā apā tuga biač do. Sluinncep uāčā na neipe un. tiži .i. aipneiočter uāčā, o neolač, na po hepač e ap un. tiži gin biač do. Oorli dia buna bpižčar, topet lam a lam.

Mapa leba daer ceile imorro, ocur biatcha iar nōenam cinač, ocur nepa leba ann na piž, gabčar cubur uāčā um lan moipreipir ocur um un. cumala, ocur um un. lečpīačh-ač; ocur ica leba lečpīač dib amač, ocur ica un. cumala ocur pe lečpīachab pe piž. Ocur an tan tic cinčāč pe oligeo, ica lan pīač pe piž, ocur gin ni pe leba.

Mapa biatcha pīa nōenam china, ocur paorceilpīne, ocur a nuppačur, gabčar cuičur uaičib pin lan an aenpīr a načaiž pečt; map deža a nōeža, ip tīngiō cach deižinač dia paile.

C. 1636. Mapa biatcha iar nōenam china, ocur paorceilpīne, ocur a nuppačur, gabčar cuičur uāčāib uile pin lan aenpīr. A naonopečt pin; mapa deža a nōežaio, [ip leč an cina for cac fear].

Mapa biatcha pīa nōenam cina, ocur daerceilpīne, ocur a nuppačur, pič go moipreipir orpa uile a naenpečt; ocur map deža a nōežaič, ip tīngāib žac deičīnac. No, leč in

<sup>1</sup> His crimes are adjudged on the seven houses in which he gets brds.—Dr. O'Donovan has thus paraphrased this very obscure clause, which appears to mean literally, "Bed extends with the taking of seven seats;" that is probably, the giving a bed to a culprit renders the parties giving it liable, until he has been entertained thus in seven houses.

opposition *is got* from the person to whom it was unlawful; unless his answer was that it was to defend himself he made the opposition, and if it was, he is exempt.

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The bishop, when he has made offering and celebration on the hill of meeting, has the one-seventh of honor-price for opposition being made *to him* on it to the end of a month, if he has made both (*offering and celebration*), or to the end of ten days, if he made only one of them.

*As to* a man who violates the king's laws, his crimes are adjudged on the seven houses in which he gets beds.<sup>1</sup>

That is, the 'eric'-fine is adjudged to be on the seven places where food was given to him. It is told by him that the seven houses did not refuse *him*; i.e., it is told by him, by the man who knew, that he was not refused in seven houses<sup>2</sup> without food *being given* to him. He incurs a fine, on whose family it (*the crime*) is proved; "hand has in charge from hand."

But if it be the bed of a 'daer'-tenant, and he was fed<sup>a</sup> after committing crime, and "bed is nearer in the case than king," it (*the 'eric'-fine*) shall be got equally from them<sup>3</sup> to the amount of the full *fine* of seven persons, and seven 'cumhals', and seven half-fines; and the bed shall pay one-half fine of them out, and shall pay seven 'cumhals' and six half-fines to the king. And when the criminal submits to law, he shall pay full fine to the king, and there is nothing for bed.

<sup>a</sup> Ir. Feeding.

If it was feeding before the commission of crime, and 'saer'-tenancy, and in 'urrudhus'-law, equal proportions are got from them for the full *fine* of the one man for a night's lodging; if in succession, it is *a case of*, "each last person protects the rest."

If it was feeding after commission of crime, and 'saer'-tenancy, and in 'urrudhus'-law, equal proportions are got from them all for the full *fine* of one man. This is altogether; if in succession, it is half the liability *that falls* on each man.

If it was feeding before commission of crime, and 'daer'-tenancy, and in 'urrudhus'-law, it (*the fine*) runs to seven persons, upon them all at once; and if it be in succession, "each last person protects," &c. Or, *according to some*, half

<sup>1</sup> *In seven houses.*—The text is defective here, and the meaning of the whole paragraph obscure.

<sup>2</sup> *Equally from them.*—That is, levied on them in equal proportions.



### Lebap. Aicle.

ar zac fear a cain; no, leð an cina nama map  
ppaður. Na ono cena, cið pæpceilpne cið pæpceil-  
e, cið biathao pua nðenam cið biathao iar nðenam  
cið a cain cið a nuppaður, cið uaða cið pachaiðe, zo  
tar cuiber uaða uile um lan aenpup a naenpect,  
a ðeip po: uair cið ðinbleoganab tip a nina  
a; gabar cuiber uathab um lan cintauð.

Mapa biathao iar nðenam cina, pæpceilpne, ocup a nup-  
paður, pite zo moipreipear opua uile a naenaðt; ocup mapa  
ðeða a nðeða, ip leð an cina por zac fear.

Mapa biathao pua nðenab cina, cið pæpceilpne cið  
pæpceilpne, ocup a cana, pite zo moipreipear opua uile  
a naenpeaðt, ocup map ðeða a nðeða, ip ðingab zac  
ðeiðnac oia paile.

Mapa biathao iar nðenab cina, cið pæpceilpne cið  
pæpceilpne, ocup a cana, ip pite zo moipreipear opua  
uile a naenpeaðt; ocup mapa ðeða a nðeða, ip leð in cina  
por zac fear.

Cneo do ni paonlegach ðe, ocup cneo do ni uppoðnað?  
Ipeð do ni paonleða ðe, gan tiactain pe ðligeð copupa  
pne. Ipeð do gni uppoðnað ðe, an tinbleogan ip nepa ða  
poðna.]

### Ðilep1 compectab.

C. 2506. .1. arm ac in coðnað, ocup coðnað ac in neccoðnað,  
luðt manðuine ac in uapal, [trapth ocup eapðape ag in  
coin]. Ðneim aipm geiber cað ni ðib pin i leið pe conab.  
Cethpaimði ap pcað apm acon coðnað, ocup cethpaimði ap  
pcað torba, ocup cethpaimði ap pcað trapth acon coin, ocup  
cethpaimði ap pcað epcaipe.

Mapa cu co trapth co nepcaipe, cu lan ðligeð ipoin, leð



the liability *is* on each man in 'cain'-law; or, *according to* THE BOOK OF AICILL. *others*, half the liability only if it be in 'urrudhus'-law. Or else, indeed, *according to others*, whether in 'saer'-tenancy or in 'daer'-tenancy, whether *it was* feeding before committing or feeding after committing crime, whether in 'cain'-law or in 'urrudhus'-law, whether one or many, equal proportions are got from them all for the full *fine* of one man at once, as this *law* says: "For though *it be* for kinsmen, it goes for crimes;" equal proportions are got from them for the full *fine* of a guilty person.

If it was feeding after the commission of crime, *and* 'daer'-tenancy, and in 'urrudhus'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if it be in succession, it is half the liability *that shall be* upon each man.

If it was feeding before the commission of crime, whether in 'saer'-tenancy or in 'daer'-tenancy, and in 'cain'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if it was in succession, it is *a case of*, "each last person protects the rest."

If it was feeding after the commission of crime, whether in 'saer'-tenancy or in 'daer'-tenancy, and in 'cain'-law, it (*the fine*) runs to seven persons, upon them all, at once; and if in succession, it is half the liability *that shall be* on each man.

What makes a vagabond of him, and what makes *him* a proclaimed person? What makes a vagabond of him is, his non-observance of the 'corus-fine'-law. What makes a proclaimed person of him is, his nearest kinsman proclaiming him.

#### *What is lawful respecting different sorts of dogs.*

That is, the sensible adult has a weapon, the non-sensible person a guardian<sup>a</sup>, the gentleman has servants, *and* the dog has time and notice. Each of these, as regards dogs, has the effect of a weapon *in the case of the sensible adult*. The sensible adult has one-fourth on account of a weapon, and one-fourth on account of profit, and the dog has one-fourth on account of time, and one-fourth on account of notice.

If it be a dog which has<sup>b</sup> time and notice, it is a fully lawful <sup><sup>a</sup> Ir. A sensible adult.</sup> <sup><sup>b</sup> Ir. With.</sup>

## Ľedap Āicle.

iċe ipin torbaċ co napm, cethruimċi uaiċe ipin torbaċ  
apm, no ipin nerbaċ co napm; iplan do in terrach  
apm.

Ĵara cu co tpaċ cen ercaipe, cu leċ ōliġċeċ hī; teopa  
thruimċi uaiċi ipin torbaċ co napm, leċ pīach uaiċi ipin  
nerbaċ cen apm.

Maġa cu cen tpaċ cen ercaipe he, ip lan pīaċ uad ipin  
torbaċ cu napm, teopa cethruimċi uad ipin torbaċ cen  
pm, no ipin nerbaċ cu napm, ocur cethruimċi uaiċi ipin  
erbaċ cen apm.

In cu por banlupġ co rpublunġ cen romat α rpub-  
lainġ, cu ipein ip teopa cethruimċi inōliġiċ, ocur ceth-  
ruimċi ōliġiċ; tpuan ocur oċtmaċ uad ipin ċorbaċ cu  
napm, leċ oċtmat uad ipin torbaċ cen apm.

- In cu por banlupġ (i. uair let ōliġeċ ap pcaċ ban-  
lupġ,) co rpublonġ co rromat α rpublunġ, ocur in cu  
por derġlonġ co rīr lomnaċt ipin caill, ocur por eoċu ipin  
maċaipe, ocur in cu pīadaiz techta, ocur in tarcoiċio  
C. 2511. teċta, ocur in conbuacaill techta, ocur in cu apaiġ do  
nomat cleċ on ōorup, [ocur nī cuaille epin cuaċta], ocur  
C. 2511. ōoronn pot in apaiġ iar na pīipūġ, ocur nī tacmaicet α  
beoil Ĵar tīġe, [no conaip caemteċta], ocur in cu co tpaċ  
co nercaipe, coin lan ōliġiċ uile na coin rīn.

In cu apġitepī nomat cleċ on ōorup, ocur in cu paeinōil,  
ocur in cu co tpaċ cen ercaipe, coin leċ ōliġiċ uile na  
coin rīn.

Coin do pīnġet poġail pīa ōainīb ant rīn; ocur ōama  
ōaine do nēiċ poġail pīa conaib, cia mat pē herba no pē  
bec ōeitōipup po beīċ ac ōul ap amup in con he, ip amail  
torbaċ he ac tīaċtain uaiċi.

Mana caemnacaiġ ōul on ċoin lan inōliġċeċ can α

dog, and there is half *fine due* from it for *injuring* the profitable worker who has a weapon, one-fourth from it for the profitable worker without a weapon, or for the idler who has a weapon; it is exempt as regards the idler without a weapon.

If it be a dog which has time but not notice, it is a half lawful dog; three-fourths *fine are due* from it for *injuring* the profitable worker who has a weapon, half *fine* from it for *injuring* the idler *who is* without a weapon.

If it be a dog which has neither time nor notice, there is full *fine due* from it for *injuring* the profitable worker who has<sup>a</sup> a weapon, three-fourths *fine* from it for the profitable worker without a weapon, or for the idler who has<sup>a</sup> a weapon, and one-fourth *due* from it for the idler without a weapon.

The dog that follows a woman, and that has an untested<sup>b</sup> muzzle on it, is a dog that is three-quarters unlawful and one-fourth lawful; and there is one-third and one-eighth of *fine due* from it for *injuring* the profitable worker who has a weapon, one-half of one-eighth for the profitable worker without a weapon.

The dog that follows a woman, (*i.e.* for *it is* half lawful on account of following a woman), and that has on a tested muzzle, and the dog that *follows* on the red track of a stark naked man in the wood, and of horses in the plain, and the lawful hunting dog, and the lawful stag-hound, and the lawful shepherd's dog, and the dog that is tied to the ninth stake from the door, and not a withered hollow stake, and the length of the tie when contracted is a hand, and its (*the dog's*) mouth does not reach to the floor of the house, or to the thoroughfare, and the dog with time and notice, all these are fully lawful dogs.

The dog that is tied to the ninth stake from the door, and the straying dog, and the dog with time *but* without notice, these are all half lawful dogs.

These are dogs that did injury to persons; but if it were a person that did injury to dogs, whether it was in idleness or of little necessity he was going towards the dog, he is as a profitable worker in coming from it.

If he was not able to get away from the fully unlawful

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<sup>a</sup> Ir. With.

<sup>b</sup> Ir. A muzzle without testing its muzzle.



### Lebap Aicle.

ibað, iſlan a marbað. Mana caemnacair ðul on coin ðligðeð can a marbað, iſ leð ina marbað.

lan a caemnacair ðul ón coin leð ðligðeð can a marbað, eðruimði ina marbað.

ana caemnacair ðul on coin aca ta teopa cethram-ðligð ocup cethruimðe inðligð, can a marbað, iſ ruimði ocup oðtmað ina marbað.

Mana caemnacair ðul on coin aca ta teopa cethruimði ðligð ocup cethruimði ðligð, can a marbað, iſ oðtmað ina marbað.

Mana caemnacair ðul on conbuaðall techta can a marbað, iſ leð ina marbað, uair iſ e a la a aðaig, ocup iſ aðaig a la.

Mana caemnacair ðul on coin ſæinðil can a marbað, cethruimði ina marbað, uair iſ e a lan a leð, ocup iſ e a leð a cethruimðe.

[Maða caomſat] ſon ðul o cað coin ðib ſin uile can a marbað, [eio a lo eio a naðche], iſ a lan ðipe aicinta ðein in cað coin ðib, uair noco beipno ní ða ðipe o coin bið co inðligeð, aðt mað iſ moiti uat iſin cinat do ni, cenmoða in cu ſæinðil; uair mað eipoe, beipno a leð ſmachit uat bið ap ſæinðil.

Tru coin ſogaíl ſomnaðep anð.

.1. ſomnaðep, no upðoiðliðep na tru coin ſeo co na ðepnað ſogaíl .i. ſoiðligit, cu do ni ſoileim, cu con, cu na cuilen, cu loirge, cu ſuſ na gaðann gſeim loſg.

Lan ðipe do ſenaðep i cinat na con hi ſin; lan ſiað a cet cinat in ſoiðgeða, mað ſſu ðuine ſoglaio; mað ſſu ſubu, iſ leð ſiað, ocup gſeim cinat gaður in ſoiðgið do.

In cu con on muð cetna, mað i naimſiſ a cuilen imupno

<sup>1</sup> *Whether in the day or in the night.*—The Irish for this is the conjectural reading of Dr. O'Donovan, for "eio i lan, eio i naðgín: whether for full *ſine* or for compensation," which is found in the MS E. 3, 5 (O'D 1491).



dog without killing it, he is exempt from *liability* in killing it. If he could not have got away from the fully lawful dog without killing it, it is half *fine he incurs* for killing it. THE BOOK  
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If he could not have got off from the half unlawful dog without killing it, it is one-fourth *fine he incurs* for killing it.

If he could not have got off from the dog which is three-fourths lawful and one-fourth unlawful, without killing it, it is one-fourth and one-eighth *fine he incurs* for killing it.

If he could not have got off from the dog which is three-fourths unlawful and one fourth lawful, without killing it, it is one-eighth *fine he incurs* for killing it.

If he could not have got away from the lawful shepherd's dog without killing it, it is one-half *he pays* for killing it, for its day is night, and its night is day.

If he could not have got away from the straying dog without killing it, it is one-fourth *he incurs* for killing it, for its full is a half, and its half is a fourth.

If they could have got away from each and all of these dogs without killing them, whether in the day or in the night<sup>1</sup>, it is its own full natural 'dire'-fine *that is paid* for each dog of them, for it does not take away anything of its 'dire'-fine from a 'dog to be unlawful, (but there is more *due* from it for every trespass it commits), except the straying dog; for if it is he, *the fact of* his straying takes away half his 'smacht'-fine.

### Three dog trespasses are checked.

That is, these three dogs are checked, or attended to so that they do not commit trespass, viz., the springing dog, *i.e.* a dog which makes a spring, a dog of dogs, *i.e.* a dog with whelps, and a crouching dog, *i.e.* a dog against which searching does not avail.

Full 'dire'-fine is paid for the trespass of these dogs; full fine for the first trespass of the springing dog, if it has trespassed against a person; if against animals, it is half fine, and the spring has for it the effect of a trespass.

As to the dog with whelps likewise, if it be while she has<sup>a</sup> \* Ir. In time of.

Leban Circle.

ḏ, nu teit i naipem cinat do cuitan do breiṣ, aṣ  
do biṣbinči uirre.

1. eu loipgi imurppo, lan pīač ina cet cinařo řeic, mař  
me pořlařb, mař řpu řubū, řp aethřin; ař nū řiař-  
uřē loř řu řeic.

8publaingi con minaiḡ, ocur epḡe con anaiṯniḡ, ocur cpo  
con anṡaiṡiḡ.

Spublinsg con minas; ppublaing im a gob in don do  
is minigeet pe henaib ocup pe huanaib, ocup pe heir-  
speetaib in tise.

Երկո՛ր զո՛ր արհա՛ւծե, արհա՛ւ [leaba] լե՛ւար [տաճաճ]  
 ար լա՛ւն և՛ ձո՛ր և՛ տա՛ւար ա՛ւոն ար և՛ մա՛լո՛ւտը քե՛ր քե՛  
 և՛ զո՛ր արհա՛ւծա՛ւ.

Ερο con ανραιτῆς .i. co ταβαιρ con μιν πορ in ρ'λατ  
 ρειμε ιριν ερο, .i. α ε'ιτ το κυρ ερο ρερ in coin να ρεταρ  
 ταρναc ιναρ αιλε.

O beit amlaio pin tall iat, ip inoḷiḡṡēē amach cīa na beit tpač ocup epcapre oppo amach. Mana pusit amlaio pin iat tall, ci ḡiḡṡēē amach iat, ip inoḷiḡṡēē iat tall, ap poḡla co leč cīta con cota apaiḡ cuač donn epin [1.] ip cain poḡeiligter cin in čon do lecuo i leč in ci po apigertar he don crano epin cuačba, .i. per bunao po apigertar he ano pin, ocup apach co pīr etallaiḡ tucuiṡtar aiḡ, ocup ip inano do ocup na apigeo iṡip, im lan pīač oic i cīnai in čon. No ip cain poḡeiligter, leč cīnao in con ap in ci po apigertar he don crano epin cuačba.

Դուine nach քըr bunaiօր քոտ արցըրտար he ann լին he, օսըր արաճ օո քըr etallaiօր tuc արը, օսըր թօ bi a tuiօրի օո տըբալտըր արտս ծե, օսըր լըսըրսըր a tuiօրիսըր leճ ծե. ֕սըր cu lan ծըլըծըճ օճ քըr bunaiօր he, օսըր cu leճ ծըլըծըճ օճ քըr արալց, օսըր լըlan օոծոնօճ; leճ րօալտ մար օճն na օընօրս; տըօրօ օճըրսըրմտը սաօ րըրըր տըրբաճ cu նարմ, leճ օ քըրը.

her whelps she commits trespass, to have brought forth THE BOOK OF AICILL. whelps is not taken into account in its trespasses, but a fine according to her viciousness *shall be imposed* upon her.

The crouching dog too *incurs* full fine for its first trespass, if it be against a person it trespassed, if against animals, it (*the fine*) is compensation; for crouching is not the rule for them.

A muzzle for the 'minaigh'-dog, and eye-caps for the 'anaithne'-dog, and a kennel for the 'anfaitigh'-dog.

A muzzle for the 'minaigh'-dog, *i.e.* a muzzle of leather is fastened on the snout of the dog that makes small attacks upon fowl and lambs and the pet animals of the house.

Eye-caps for the 'anfaitigh'-dog, *i.e.* eye-caps, a covering of leather is fastened over the eyes of the dog which does not know its own people from the neighbours.

A kennel for the 'anfaitigh'-dog; *i.e.* the dog's share of food is set before him in the kennel on the *top* of a rod, *i.e.* his mess is put into the kennel to the hound, which cannot be tied *after* another manner.

When they are so within, it is unlawful to let them out, though there should be time and notice of their being let out. If they are not so within, though they may be lawful out they are unlawful within, for "the trespasses of the dog are charged to him who had tied it to the withered hollow stake," *i.e.* well is it ordained that the trespass of the dog is to be put to the charge of the person who tied it to the withered hollow stake, *i.e.* it was the owner that tied it in this case, and the tying which he made upon it was bad, and he was aware of its defect<sup>a</sup>; and it is the same to him as if he had not tied it at all, with respect to paying full fine for the trespass of the dog. Or, well is it ordained that half the trespass of the dog *is due* from the person who tied it to the rotten hollow tree.

<sup>a</sup>Ir. A tying with knowledge of defect, he put upon it.

It was a person who was not the owner that tied it in this case, and he tied it, knowing of a defect in the tying, and it was his belief that it would have held *the dog*, and his belief takes one-half off him. And this is a fully lawful dog with an owner, and a half lawful dog with the man that tied it, and the sensible adult is exempt; they both pay half for the trespass; three-fourths *fine is due* from it for the profitable worker who has a weapon, half from the man who ties, and



uag, ocur cethpuimthe o pir con; leč uao ipin topbač  
n apm no ipin nepbač cu napm; cethpuimči o cechtar  
o, cethpuimči uao ipin topbač cen apm, ocur aicpin ošip  
uag a aenup.

Noco lugaite pmačt na oipe in coma bič inoлигeč, ačt  
moiti uao ipin pogał do ní, cenmoča in cu paenoił,  
uair ma eipum, ip leč poalıat a paenoił uao.

In cu paenoił; cethpuimči ina mapbač ipin lo, mana  
caemnacair etarpcapao pir čena; ocur ma eumaic, ip leč  
pjač uao; ocur ip e pin a lan pjač pum, uair ip e a lan  
pjač a leč pjač, ocur ip e a leč pjač cethpuimči.

Na uile con uile, cenmoča in cu lan oлигeč, mana  
coemnačt in ouine a etarpcapao piu čena cen a mapbač,  
ip leth pjač inotib ipin lo; ocur ma conic etarpcapao  
piu čena, ip a lan pjač buróin innotib.

In cu lan inoлигeč, plan a mapbač ipin lo, mana coem-  
nacair etarpcapao pir čena; ocur ma caemnacair, ip a  
lan pjač buróin ino.

Oлигeč cach cu uile in aitoče im a leč pjač buróin ino,  
mana caemnacair a etarpcapao pir čena; ma conic, ip a  
lan pjač buróin ino. No dono, čena, cio cu oлигeč cio  
cu inoлигeč, cio a lo cio i naitče, mana caemnacair in ouine  
etarpcapao pir čena cen mapbač, iplan; ocur ma conic, ip  
a lán pjač buróin ino.

Трејои ити инаѣрегтар им телуро пѣранато, .i. ečairpe,  
ocur oopraiipe, ocur cu.

Coin na ngrao plača puaplaicetep oib tpač oula i liš,  
ocur a cuibreč in tpač leicpep in tečairpe a heoču amač.

Coin na ngrao peine puaplaicetep oib im tpač tjačhtana  
bo im i liš, ocur a cuibreč pe turgabail' šnéine.

Cio potepa conao pia in pe do conaib na ngrao plača  
na na ngrao peine? Ip e in pač potepa, lia toruma



a fourth from the owner of the dog; half *is due* from it for the profitable worker without a weapon, or for the idler who has a weapon; one-fourth from either of them (*the owner and tier*); one-fourth from it for the profitable worker without a weapon, and it was seen by the tier only.

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There is not less 'smacht'-fine or 'dire'-fine for its being unlawful, but there is more *due* from it for the trespass which it commits, except the straying dog, for if it be such, its straying takes away one-half from it.

*As to the straying dog; there is but one-fourth fine* for the killing of it in the day, if one cannot get away from it *otherwise*; but if he can, it (*the penalty*) is half fine from him; and that is its full fine, for its half fine is its full fine, and one-fourth is its half fine.

*As to all dogs whatever, except the fully lawful dog, if the person could not get away from them without killing them, there is half fine for killing them in the day; and if one could get away from them, it is their own full fine that is paid* for them.

*As to the fully unlawful dog, there is exemption for killing it in the day, if one could not get away from it otherwise; and if he could, its own full-fine is paid* for it.

Every dog whatever is lawful in the night as to its own half fine *being due* for it, if one cannot get away from it; if he can, its own full-fine is *due* for *killing* it. Or, indeed, *according to others*, whether *it be* a lawful dog or an unlawful dog, whether by day or by night, if the person could not get away from it without killing it, he is safe; and if he can, its own full fine is *due* for it.

Three are concerned in letting loose here, i.e. a horse-boy, a door-keeper, and a dog.

The dogs of the chieftain grades are let loose at the time of going to bed, and are tied at the time that the horse-boy lets out his horses.

The dogs of the 'feini'-grades are let loose at the time the cows come to their stalls, and are tied at the rising of the sun.

What is the reason that the time which is *allowed* to the dogs of the chieftain grades is longer than *that to those* of the 'feini' grades? The reason is, there is a greater con-

## Lebani Aicle.

ocur počaiði ar amur tiži na ngrato płačā na do  
na ngrato peine, ocur coiri cemat pīa in pe ōa conaib.

our coṛnač do žena in tinmuillet do žneŕ iŕ-lan cu  
ocur pīač po aicneð a pačā pop in coṛnač.

apa eccoṇač, leč aithgin pop in coin, ocur leč aithgin  
in in eccoṇač, ocur pīach aicneð a pačā do ōipe, maŕa  
a poich pann do ōipe. geibio žneim leč aithgina cu  
ac in aepa ica leč ōipi, ciṛ a leč pe pobaið ciṛ a leč  
ŕainaið, ciṛ e a cet cin cin co be; ocur noco žai benn ac  
in aepa aithgina, maŕ e a cet cin i leč pe pobaið;  
ocur maŕ e, žeibio žneim leč aithgina ōari cenṛ a pīaṛat  
īmač he, uaiŕ po žebat ar aŕaio boṛéin.

Ciṛ poṛepa co ngebenn žneim leč aithgina cu ac mac  
i naep ica leč ōipe, ciṛ a leč pe pobaið ciṛ a leč pe  
ŕainaið, ciṛ cu cetciṛtach, ciṛ cu bičbineač, ocur co na  
žabann ac mac i naiŕ ica aithgina, manab e a cet cin a  
leč pe pobaið? Iŕ e pač poṛepa, ōligčēcu leiŕ cu ac  
coṛnač ina cu ac eccoṇač, ocur neŕa leiŕ do lan coṛ-  
naiž lan icaŕ mac i naep ica leč ōipe īnan lan icaŕ mac i  
naiŕ ica aithgina.

In comat bu ŕlan cu ac coṛnač ata leč othŕup no leč-  
aithgin aiŕ ac eccoṇač.

In comat beŕ pīach aiŕ ac coṛnač ata in pīach cetna  
aiŕ ac eccoṇač; uaiŕ cač coṛnaiṛetu i mbia ŕep īnmuillet  
iŕ īnŕligčēcu, cač eccoṇatu i mbia ŕep īnmuillet iŕ  
ŕligčēcaŕi cu.

<sup>1</sup> *The more lawful of the hound.*—In C. 2516 this is reversed.

course of people and hosts to the houses of the chieftain THE BOOK OF AICILL. grades than to the houses of the 'feini' grades, and it is right that a longer time should be *allowed* to their dogs.

When it is a sensible adult that incites *a dog*, the dog is always exempt, and a fine according to the nature of the case *shall be imposed* upon the sensible adult.

If it be a non-sensible person *that has incited the dog*, half compensation is upon the dog, and half compensation upon the non-sensible person, and a fine according to the nature of the case *by way* of 'dire'-fine, if he be a youth on whom a share of 'dire'-fine comes. A dog *which is* with a youth at the age of paying half 'dire'-fine, whether in regard of animals or in regard of persons, whether for its first offence or not, incurs *a penalty* of half compensation; and it does not incur it *when* with a youth at the age of paying compensation, unless it be its first offence in regard of animals; and if it is, it incurs *a penalty* of half compensation with respect to its owner, for it would incur it on its own account.

What is the reason that a dog *which is* with a youth at the age of paying half 'dire'-fine incurs *a penalty* of half compensation, whether with respect to animals or with respect to persons, whether it be a dog of first offence, or a dog of *confirmed* viciousness, and that it does not incur it *when* along with a youth at the age of paying compensation, unless it be its first offence with respect to animals? The reason is, a dog with a sensible adult was *deemed* more lawful by him (*the author of the law*) than a dog with a non-sensible person, and he considered the *full-fine* which a youth at the age of paying half 'dire'-fine pays nearer to the *full-fine* of a sensible adult than that which the youth at the age of paying compensation pays.

Whenever a dog would be exempt with a sensible adult, there is *a fine* of half sick-maintenance or half compensation upon it with a non-sensible person.

Whenever there is a fine upon it *when* with a sensible adult, the same fine is upon it with the non-sensible person; for the more sensible the inciter is the more unlawful the hound, *and* the less sensible the inciter is the more lawful the hound.<sup>1</sup>



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Ósleir í mairbhneachaib arís ruanaída dár nae con-  
daib.

.1. cío feoirt fíir fine cío feoirt fíir anfine, cío feoirt fíir  
bercna cío feoirt fíir neimbercna, o do berctar tar nae  
tonna mapá amuis iat, ocuī tula daentoiḡs dár a cenn,  
íí a nōilrí uilí don tí tuc ar iat.

Map etir nae tonna mapá ocuī tíí tucartar iat, íí  
femeth ocuī uiriaraēt fíir fine do maḡail ríu; uair íí ríu  
ata fēmeth ocuī uiriaraēt ná fineēaire do maḡail  
ríu [i.] fēt do berar a aicenaib, ocuī a armaiḡib, ocuī a  
coirib cuairōill, ocuī a faebcoirib, ocuī a tīḡ tēmeth,  
ocuī itir nae tonduib mapá ocuī tíí. Ocuī mā ío bī  
daicbeile ná hoirōda ní fíí ná tairnīc an uiriaraēt dēir  
bunaid, íí inand do ocuī do beīē fēmetho ann no uiri-  
araēt nama.

Mapá femeth ocuī uiriaraēt fíir fine, íí a nōilrí uilí  
don tí tuc ar iat.

Mapá femeth no uiriaraēt fíir fine, íí uileíí a dā tḡian  
don tí tuc ar iat.

Mapá uiriaraēt ar aine fíir fine, íí uileíí a tḡin don tí  
tuc ar iat.

Mapá femeth ocuī uiriaraēt fíir anfine, íí uileíí a dā  
tḡian don uine tuc ar iat.

Mapá uiriaraēt ar aine fíir anfine, íí dā tḡian in tḡin,  
no a leē in tḡin, no a beīē can ní.

Canar a ḡabap dā tḡian in tḡin ata dēir anfine ná  
uiriaraēt ar aine, uair naē inōirēnn lebar? Íí ar  
ḡabap o fíir fine; uair íí baíl ata, a nōileíí a dā tḡian dēir

<sup>1</sup> 'Fine'-man.—That is, a man of the same sept or subdivision of a tribe;  
'anfine'-man, a man not of the same sept or subdivision.

<sup>2</sup> The refusal or permission.—This means a case in which the owner of the goods



In sea laws, one has a right to what he has brought over nine waves.

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That is, whether *it be* the 'seds' of a 'fine'-man<sup>1</sup> or the 'seds' of an 'anfine'-man, whether *it be* the 'seds' of a person with whom he has a 'bescna'-compact, or the 'seds' of a person with whom he has not a 'bescna'-compact, when they are brought out from across nine waves of the sea by one who went specially for them, they are all the property of the person who has so brought them thence.

If he has fetched them from a place nearer<sup>a</sup> to the land than nine waves of the sea, the refusal and permission<sup>2</sup> of the 'fine'-man are the rule respecting them; for the following are *all* ruled by the refusal and permission of the family, viz., 'seds' that are recovered from oceans, and from battle fields, and from whirlpools, and from vortices, and from houses on fire, and from between nine waves of the sea and the land. And if it was owing to the danger of consenting that the owner did not give the permission, *if then recovered*, it is the same to him as if there had been either refusal *by the owner to go himself*, or permission only *from him to the other to go*.

<sup>a</sup> Ir. *Between nine waves of the sea and land.*

If there be refusal and permission from the 'fine'-man, they are all the property of the person who brought them out.

If there be refusal or permission from the 'fine'-man, two-thirds are the property of the person who brought them out.

If there be permission from the 'fine'-man *to another person to go* for his amusement, the third of them is the property of the person who brought them out.

If there be refusal and permission from an 'anfine'-man, two-thirds of them belong to the person who brought them out.

If there be permission for his amusement from an 'anfine'-man, two-thirds of the third, or half the third *belong to the person who brought them out*, or he is to have nothing.

Whence is it derived that two-thirds of the third are *due* in case of the permission of the 'anfine'-man for his amusement, as no book mentions it. It is inferred from *the rule regarding* the 'fine'-man; for, where it is *said*, when two-

refuses to risk his own life in recovering them, and gives permission to another to recover them if he could, and have them.

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pine ina pemeð no na uiraraðt, iŕ uilŕi a tŕun ata ðŕi  
anŕine ina pemeð no na uiraraðt; coŕi no ðeiŕiðe, uar  
iŕ tŕuan ata ðŕiŕ pine na uiraraðt aŕ aine, cemato ða  
tŕuan in tŕun do beŕð ðŕiŕ anŕine na aŕiraraðt aŕ aine.

Iŕ aŕ gabaŕi a beŕð can ní; mað aŕiraraðt aŕ aine ŕiŕ  
anŕine ac na bi uiraraðt ŕiŕ cota, ní aile cuiŕ iŕiŕ la neð  
do beŕŕeap.

Iŕeð iŕ pemeð ocur iŕ uiraraðt ann, pemeð a ŕet ac  
ŕiŕ bunato, ocur in ŕep aile ða uiraraðt ðe uul aŕ a cenn.

Iŕeð iŕ pemeð ann no uiraraðt neðtaŕi ðe ðib.

Iŕeð iŕ aŕiraraðt aŕ aine ann, uul do neoch aŕ ainechaŕ  
ŕéin.

Óileŕ tochuŕi do ŕiŕi ŕuiŕt.

.1. iŕ óileŕ ðŕiŕi ŕuiŕt a taŕla éuiŕi co ŕuiŕi cuiŕi ŕeoŕt,  
ocur o ŕaðaŕ taŕŕiŕu, iŕ compaiŕnŕi baiŕci óliŕtŕiŕe aŕi.

In tan tainic ŕo tomuŕ tuaiðe aŕiŕi hi, ocur ní hŕnŕoŕi  
do ŕala hi, aðt do ŕeŕt gaeð hi a cŕich aile ðaŕ aŕnðeoŕn,  
ocur compaiŕnŕi baiŕce óliŕtŕiŕi uŕŕe iŕn cŕich i taŕla  
hi. Ocur iŕ amlaŕð do níŕeŕ ŕiŕi; in ŕet iŕ ŕeŕŕi inŕoŕi do  
ŕiŕ na tuaiði, ocur ŕuilleð ŕiŕ co ŕoib tŕuan na baiŕci  
ann; ocur a tŕuan do éuaið, ocur a tŕuan ðŕiŕi ŕuiŕt; ocur  
tŕuan in ŕeoŕt iŕ ŕeŕŕi ŕainic do ŕiŕ tuaiði uato do ŕiŕ  
cuiŕiŕo; ŕuilleð ŕiŕ co ŕoib ceŕŕuiŕiðe cotað tuaiði aŕo;  
ocur ceŕŕuiŕiðe na ceŕŕŕamŕtan o ŕiŕ cuiŕiŕo do ŕiŕ  
eiŕeŕn.

In tŕuan ŕo ŕoið do éuaið a compaiŕnŕi ðoib etaŕŕu a

thirds are due to the 'fine'-man in *case of* his refusal or his permission, one-third is due to the 'anfine'-man in *case of* his refusal or his permission; it is right from this, that as it is one third that is *due* to a 'fine'-man in a *case of* permission for his amusement, there shall be two thirds of the third *due* to the 'anfine'-man in *case of* permission for his amusement.

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That he *who brings them out* shall have nothing is derived from this:—If there be permission for his amusement from the 'anfine'-man who has not the permission of the owner, the person who fetches *the property* deserves no share whatever.

"Refusal and permission" mean, that the owner refuses to go for his 'seds' himself, and the other gets his permission to go for them.

"Refusal or permission" means either of them.

"Permission for amusement" means that a person goes for the amusement of himself.

What is cast ashore is the property of the owner of the shore.

That is, whatever comes ashore<sup>a</sup> is the property of the owner of the shore, as far as five 'seds,' and when it exceeds them, the partition of a lawful bark is *to be made* of it.

<sup>a</sup> Ir. *To him.*

When it was coming towards a certain territory, and did not happen to reach<sup>b</sup> it, but an adverse wind blew it into another territory, then<sup>c</sup> the partition of a lawful bark is made of it in the territory into which it happened to be driven. And that is done thus:—the best 'sed' in her (*the wreck*) is given to the king of the territory, and it is to be added to until it (*his share*) amounts to the third of *the value of the cargo of the bark*; and one-third of it goes to the territory, and one-third to the owner of the shore; and one-third of the best 'sed' which came to the king of the territory is given by him to the king of the province; addition is to be made to it until it amounts to one-fourth of the share of the territory; and a fourth of the fourth is given by the king of the province to the king of Erinn.

<sup>b</sup> Ir. *Into.*

<sup>c</sup> Ir. *And.*

The third which comes to the territory is to be divided by them equally among them to all who are able to perform



## Leban Aicle.

einoti do cað oen oib conic ruba ocup ruba, ocup  
aethað ocup congbaíl ocup coimet locta na baipci.

in trian po roicð oip [puipt]; noco nuil in uat do neoð,  
ana puil plaitð aep[r]ait ap, aet in eutpuma beiper  
ap bunat a dualgyp cotað puiði a manaið.

ant ata leð a pet uaiti ap cennaiðeð do denum pu  
leith anli, in tan taini comup tuaiti aipiti hi, ocup  
a do palai hi. Let a it uaiti don tuait ap cen  
u do denum pu don let anle. Ocup noco nupailen  
oligeo uipuyi leð a pet uaiti doibrium no co nðepnat  
geð pu; ocup nocu nupailenn oligeð ap in tuait  
cennaiðeð do denum pu no co tuca ri leð a pet doib  
an aipci; ocup o do bepa, ip oligeð centacta no denum  
pu.

Cio potepa leð a pet uaiti ap cennaiðeð itip? Ip e  
pat potepa; ip puy do euait menma in uat co mberðaiy-  
ium oimapeat ipin leð peat ní ip mo ina leð da bepat  
in aipci.

Ip ann ata pet ré pcepall uaiti, no pet pcpai  
uigi, in tan tainic po comup tuine aipiti hi, ocup ní na  
[p]lepe lama rin pein do palai at, aet a pcpann tuine aile  
na comocup; ocup pet ré pcepall do ap connat ocup  
uici do lecat o, mapai peiðia ocup iapann ocup palano  
ata inoti; no pet pcpai uigi, mapai cno gnae ocup  
cuipno; ocup epcup fina no mela, ma ta rin no mil  
inoti.

### Log paethair, mat o ppoðaið.

.1. Log paethair do mat o ppoðaið in mapai amuich do  
bepa he.

<sup>2</sup> An 'escup' of wine. In Cormac's Glossary, edited by Whitley Stokes, LL.D.,  
p. 67, "Epscop Fina" is explained to mean a vessel for measuring wine among  
the merchants of the Norsemen and Franks. The two derivations suggested by  
the author appear incorrect. The learned editor's conjecture that "escop fina"



service of offence and defence, and feeding and maintaining THE BOOK OF AICILL. and keeping the crew of the bark.

*As to the third, which comes to the owner of the shore ; nothing is given away by him to any one, unless there is a chief of 'daer'-stock tenancy over him, except the portion which the church of his family<sup>a</sup> gets as her share of a thing found by her tenant of church-land.*

<sup>a</sup> Ir. Original church.

The case in which half her 'seds' is *taken away* from her (*the ship*) on condition of trafficking with her for the other half, is when she came *bound* for a certain territory, and it is into it she happened *to be driven*. Half her 'seds' *is to be given* by her to the territory on condition of trafficking with her for the other half. And the law does not compel her to give half her 'seds' to them, until they *engage* to traffic with her ; and the law does not compel the *people of the territory* to traffic with her, until she *engages* to give half her 'seds' to them gratis, and when she has given *them*, it is lawful to traffic with her.

What is the reason that half her 'seds' is at all *given away* by her for trafficking *with her*? The reason is ; the idea of the author of *the law* was that they would gain more by the half they sold than *the value of* the half they would give for nothing.

The case in which a 'sed' of *the value of* six 'screpalls' is *due* from her, or a 'sed' which is worth an ounce of *silver*, is where she came consigned to a certain person, and it was not into his land they happened *to be driven*, but into the land of another person in his vicinity ; and he (*the other person*) is entitled to a 'sed' of *the value of* six 'screpalls' for allowing her firewood and water, if it be hides and iron and salt that are in her ; or to a 'sed' worth an ounce of *silver*, if it be foreign nuts and goblets ; and to an 'escup'-vessel of wine<sup>1</sup> or of honey, if wine or honey be in her.

Reward of labour, if from currents, &c.

That is, the reward of his labour is *given* to him (*the rescuer*) if he has brought it from the currents of the sea outside.

was probably the true reading, a conjecture founded on analogous forms in Cornish, Gothic, &c., is proved correct by the reading in the text.

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Μαρα τοῦρ ρροῖα ριρ υιρσι, α cethpυ  
noipba; α τριαν αρ ῶα ορβα dec; leṣ o ḗa ρ  
ρην ιρ nepa ῶο μυιρ; α ῶα τριαν μαῶ anhp  
aile ιρ ρορ cain μαρα.

Ro ρυιτωξεῶ cethopa coegat cubat ρe hoρ  
no ῶαρ noe tonna μαρα anall, cῖo α τοῦρ.

Μαρα τοῦρ ιν τριαν ρην, α cethpυimḗ c  
α leṣ αρ α ῶo, α τρι cethpυimḗ αρ α τρι.  
τχαιρ.

Μαρα tabairt ιτῖρ noe tonnaib μαρα oc  
ocup uipapaḗt ocup ρineḗaire ῶο ριαγαιλ ρι

Μαρα tabairt ιν ρροῖα ρην ρειν, α τριαν  
α ῶα τριαν αρ α ρέ, uile αρ α nae.

Μαρα τοῦρ ρροῖα ραile ρceο uipce, α c  
τρι ορβαib, α leṣ αρ α ρέ, α τρι cethpυimḗ  
αρ α ῶo dec. C tochor ραιν.

Μαρα tabairt ιν τρροῖα ρην ρειν, α τρ  
leṣ αρ α τρι, α ῶα τριαν αρ α cethair, uile

Μαρα τοῦρ ρροῖα mupgabail, inanῶ  
ρροῖα glain; α τριαν αρ τρι ορβα, α ῶα τριαν  
αρ α nae. C tochor ριν.

Μαρα tabairt ιν τρροῖα ρην ρειν, α leṣ  
τριαν αρ α τρι, uile αρ α cethair co leṣ.

leṣ caḗ toḗair ina tabairt, cenmoḗa ιν  
glain; ocup ιν ταινmpainῶi ατα ina τοῦρ, ι

<sup>1</sup> Or a fetching. The following is Dr. O'Donovan's note on this.

"If any valuable property has been carried away by a fresh  
of flood over nine townlands, and then cast on the bank, the o  
which it is cast is entitled to one-fourth thereof. If it be  
townlands, the owner of the land on which it is cast is entitled  
If it has been carried to any further distance, the man on w  
shall have one-half. If it has been carried by the stream to t

If it be a thing cast up by a freshwater stream, one-fourth of it is *due to the owner of the land on which it has been cast, when it has been carried over nine lands; one-third of it when over twelve lands; half of it from that until it reaches that land which is nearest to the sea; two-thirds of it if then; the other third is ruled by the law of the sea.*

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Four times fifty cubits from the margin of the land have been fixed for a thing cast up, or from over nine waves, whether for a thing cast up or a fetching.<sup>1</sup>

If that third is *due for* a thing cast up, its fourth is *due for* one fifty cubits, its half for twice fifty, its three-fourths for thrice fifty, and the whole third for four times fifty.

If it be fetching from between nine waves of the sea and the land, "refusal" and "permission" and "family" is the rule for the third.

If it be a carrying by that stream itself, its third is *due for* three townlands, its two-thirds for six, the whole for nine.

If it be a thing cast up by a salt and fresh stream, its fourth is *due for* three lands, its half for six, its three-fourths for nine, the whole for twelve. This is for a thing cast up.

If it be a carrying by that stream itself, its third is *due for* two lands, its half for three, its two-thirds for four, the whole for six.

If it be a thing cast up by a stream of an arm of the sea, it is the same as carrying by a freshwater stream; its third is *due for* three lands, its two-thirds for six, the whole for nine. This is for a thing cast up.

If it be a carrying by that very stream, its half is *due for* two lands, its two-thirds for three, the whole for four and a half.

Half of every thing cast up is *due for* its carrying, except the carrying by a freshwater stream; and the proportion that is for its casting ashore, or for its being carried by

the sea, the owner of that townland shall have the two-thirds; but if it has been carried into the sea the whole of it is forfeited to the proprietor of the shore. The space of four times fifty cubits from the brink of the land or high-water mark, has been determined by law as the distance to which goods carried into the sea are considered as lawful 'jetsam'; and goods cast ashore by the sea, or brought by any person from a distance of nine waves, are adjudged to be the property of the owner of the shore, or of the person who rescues them."



## Leban Alile.

očanb corub e in tainmpainoi rin ber ina točur, na tabairt a paball in tippoča rin; ocur ni paball pocoiri, .i. ni paball itar he, maotia poxla ppuč ni ap, i poxiant ppoča ocur ni poxiant pabaill.

Maſa inano per ppuči ocur per tipe, iſ na poža ata in 5 ppuči biar do, no in cuiti5 tipe. Iſ ar 5abar, con-  
nta 5nima no tipe.

Maſa paan per ppuč per tipe, cuiti5 ppuči ocur  
cuiti5 tipe do per ppuč

Maſbtoile rin, no iſ e nach cuimgein tiačtan  
ar a dualgur a nipt rein, i do cuimgeioiſ na beotile  
tiačtan ar a dualgur a rein, noco bia ni aſtu; uair  
cio pata ber per bunaro a toſ; lenmain a pet, ocur oſ cič-  
per poime iat in dapa pečt cen co paicea in pečt aile, noco  
nuil cuiti5 ppuči, na točair, na tabairta uato 5iſtib, mana  
pic a leſ tabairt, ocur ma pic a leſ tabairt, iſ a puaſ-  
aile pe tabairt pine no aſpine.

Cuiti5 ppuči iſ na maſbtoilib do 5per, cio a epuch cio a  
rechtar epuch, cio a cuairt ingelta cio a rechtar cuairt  
ingelta; no beič ar taiſcio 5ataiđe; ocur o beit, iſ cuiti5  
tobai5 5iſtib.

Cuiti5 ppuči a bečanb ocur a ſaínib ſaepa do 5per, no  
comaro cuiti5 aſtaioe, ačt manab e a pſeepa in ſair  
conaro ac tiačtan ſa tiz do bi he; ocur maſe a pſeepa, a  
imθenum do conaro ac tiačtan ſa či5 po bi he. Maſ  
amlaio ppuč he ocur a ai5io do čum a či5i, iſ a imθenum  
do co nač ac eloo po bi, ocur cen nač ní do ar. Maſ  
amlaio ppuči he ocur a cul pe čeč, ocur nio aipbeptnai5  
nach ac eloo po bi, iſ a imθenum don ti 5uair he co nač  
ac eloo po bi, ocur cuiti5 tobai5 aſtu.

Nocon puil ní do na beotilib i cuairt ingelta, ocur



streams is the proportion that shall be *due* for its casting ashore, or its conveyance by the carriage of that stream; and it is no carriage, if it has been lessened, i.e., it is not a carriage at all, if the stream has detached anything from it, for streams detach *something* and carriage does not detach.

If the finder, and the owner of the land be the same, he has a choice whether it is a finder's share or a land share he shall have. It is derived from, "Equally lawful are deed or lands."

If the finder, and the owner of the land be different, the finder shall have the finder's share and the land share.

These are dead chattels, or they are live chattels which could not escape by means of their own strength, for if the live chattels were able to escape by means of their own strength, there would be nothing for *rescuing* them; for however long the owner may be following after his 'seds,' and *when* he sees them before him the second time, though he may not see them another time, there is no finding share, or *share* for casting ashore, or carrying *due* from him for them, unless he stood in need of carriage, and if he required carriage, it is to be ruled by "the carriage of family-man or stranger."

A finding share is always *given* for the dead chattels, whether in the territory or outside the territory, whether within grazing range or outside grazing range; or *if* they be in the keeping of a thief; and when they are, there is a levying share *due* out of them.

*There is* a finding share *due* for bees and 'daer'-persons always, or, *in the case of the 'daer'-person*, it may be a detaining share, unless the answer of the 'daer'-person is that he was going to his *master's* house; and if this be his answer, let him prove that it was going to his *master's* house he was. If he was found with his face towards his *master's* house, he is to prove that it was not absconding he was, and *if he does*, there shall be nothing for *arresting* him. If he was found with his back towards the house, and if he did not plead that it was not absconding he was, the person who found him is to prove that it was absconding he was, and *if he succeeds in the proof*, he shall have an arresting share for him.\*

\* Ir. Them.

There is nothing *due* for the live chattels within grazing

### Leban Aile.

ustis tobaz eirtib rečtar cumpo ingelta. No dono  
1. if eurtis tobaz eirtib a cumpo ingelta ačt co mber  
an cufro gataro; ocuf o best, if eurtis tobaz eirtib  
tar cumpo ingelta, ačt napab amlarō best ocuf a  
nuzaro ar a toč; ocuf mar amlarō, ačt maya cinto co  
tiefartir, noco nuił ni eirtib. Ma canstabaipit in tie-  
tar no na tiefartir, if leč eurtis tobaz eirtib. Maya  
cinto na tiefartir, if eurtis tobaz comlan eirtib.

Maya beotile conic a gait bubein, if eurtis tobaz eir-  
tib do gper. In duine dser, if a cin tic da tigejina no co  
ngaba neč aile na jellb he ar dajin achtažči; ocuf o  
gebur, if a cin tic do.

### Cin bech.

1. ceir irin caečar, da cir irin marbat; ocuf inoipito  
Leban in cir ina čaečar, ocuf ni hinuipenn da cir irin  
marbat; ačt amail ir da cutpuma na heipci ata o duine  
i caečar in duine ata uar [ina marbat], coir no deipite,  
cema da cutpuma na eipci ata o beč ina čaečar, cema eo  
do berth ina marbat.

8aif rir do mil irin ruiliužar, cuicso na ratcha na  
cnoicbeim, a teora cethruimči ina ban beim racaib reič  
po raeč, no na glar, no na at, no na verž; mač aen no  
vosa oib uil ano, if cuicso co leč cuicso; cuicso nama  
na ban beim aicinta.

Ceir irin cpoli mbair co neitrimtoibi baill, ocuf mana  
ruil eitrimtoibe baill, if cir cenmoča rečmaro; a da trian  
na cpoliž cumail; a trian na inanoraiž ré pet; cutpuma  
reipito ann no rečmaro cona tabaipit rir irin ininoraiž  
rečt pet.

but there is a detaining share *due* out of them outside grazing range. Or, indeed, *according to others*, there is a detaining share *due* out of them within grazing-range if they are *found* in the keeping of a thief; and when they are *so found*, there is a detaining share *due* out of them outside grazing-range, but so as they are not with their face towards the house; and if so,<sup>1</sup> and if it be certain that they would come *home*, there is nothing *due* for *securing* them. If it be doubtful whether they would come or would not come, there is half a detaining share *due* for them. If it be certain that they would not come, there is a full detaining share for *securing* them.

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If they be live chattels (*i.e. slaves*) that can "steal themselves," there is always an arresting share *due* for them. The crime of the 'daer'-person is to be paid for by his master until another person takes him into his possession for the purpose of making an agreement *with him*; and when he has *so* taken him, his crime is to be paid for by him (*the latter*).

#### Injuries in the case of bees.

That is, a hive *is the fine* for the blinding, *and* two hives for the killing of a person; and a book mentions the hive for the blinding, and it does not mention two hives for the killing; but as there is twice the 'eric'-fine *due* from a person for killing a person that there is for blinding him, it is right from this, that it is twice the 'eric'-fine which is *due* from a bee for blinding him that should be *due* for killing him.

A man's full meal of honey *is the fine* for drawing blood; a fifth of the full meal for an injury which leaves a lump,<sup>a</sup> three-fourths of it for a white blow which leaves a sinew in pain, or green, or swollen, or red; if it be one or two of these *injuries* that are present, it (*the penalty*) is one-fifth with half one-fifth; one-fifth only for his natural white wound.

<sup>a</sup> Ir. *A*  
*lump-blow.*

A hive *is the fine* for the death-maim necessitating<sup>b</sup> the removal of a limb, but if there be no removal of a limb, it (*the fine*) is a hive, less one-seventh; two-thirds of it for a 'cumhal'-maim; one-third of it for a tent-wound of six 'seds'; one-sixth or one-seventh part *is* to be added to it for the tent-wound of seven 'seds.'

<sup>b</sup> Ir. *With.*

<sup>1</sup> *And if so.*—That is, if they have their faces towards their house.







From the *owners of the bees* these *finés* are *due* for the persons.

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What shall be *due* from the persons for the bees? If the person has killed the bee while blinding him, or inflicting a wound on him until it reaches bleeding, a proportion of the full meal of *honey equal* to the 'eric'-fine for the wound shall be remitted in the case; the remainder is to be paid by the owner of the bee to the person *injured*.

If the person killed the bee while inflicting a white wound upon him, they (*the finés*) shall be *set off* against each other.<sup>a</sup>

<sup>a</sup> Ir. *Face to face.*

If the person killed the bee while inflicting a lump-wound on him, four-fifths of *the fine* shall be remitted, and one-fifth paid.

If it was while inflicting a white wound which left a sinew under pain, or green, or swollen, or red, *he killed the bee*, three-fifths of *the fine* are to be remitted, and two-fifths paid.

If it was while inflicting one or two of them (*the wounds*) *he killed the bee*, half one-fifth is to be remitted, and one-fifth paid.

From the *owners of the bees* these *finés* are *due* for the persons, and from the persons for the bees.

What shall be *due* from the *owners of the bees* for the animals *injured*, and from the *owners of the animals* for the bees? If the bee has blinded or killed the animal, what shall be *the fine* for it? The proportion which the hive that is *due* from the *owners of the bees* bears to *the fine for their* blinding the person, or which the two hives that are *due* for their killing him bear to the natural body-fine of the person, is the proportion which the full natural 'dire'-fine of the animal shall bear to that *fine* which shall be *due* from the bee for blinding or killing it (*the animal*). One-half of what is *due* for killing it is *due* for blinding it, or inflicting a death-maim which necessitates<sup>b</sup> the removal of a limb; if there be no removal of a limb, it (*the fine*) is one-half, less half one-fifth, if it be a quadruple animal; or one-half, less the half of one-half, if it be an animal of double. Two-thirds of this are *due* for a 'cumhal'-maim; one-third for a tent-wound of six 'seds'; and an equivalent of a sixth or seventh part is to be added to it for a tent-wound of seven 'seds,' over and above what shall be *due* for the tent-wound of six 'seds.'

<sup>b</sup> Ir. *With.*

**Tax Book**    **OR**    **ANIMAL**    **—**    **—**  
 Oset bary o beč i puiliužad in puib ?  
 puib in tvari do mal ata o beč i puiliu  
 ata uat ina marbač. ocpab é in tannmpan  
 epic caečda no marbač in puib in ni biar  
 ugar .i. cečepa cuicid in tannmpanoti na  
 cuicid na ban beim pacab peč po paeč, na  
 at, no na derž

Mat aen no deoa tob. ir da cuicid co  
 cuicid nanmpanoti ina ban beim ancenta.

O na bečab ata rin ir na pobab. Cpe  
 ir na bečab? Ma po marbučar in  
 čaečad. no ica marbač, no ic perčain cneč  
 puiliužad, ir cutpuma pača deric na ci  
 lar. ocur a puil ano o ča rin amach tic do  
 pe tizerina in puib.

Mar ac perčain puiližči ar in pob po m  
 bech, ir a mbicb ažič in ažič .i. puiliuž  
 marbač in beič; no dono čena, in deičbir  
 ugar in duine ocur puiliužad in puib cori  
 rin icter o tizerina in puib pe tizerina in b

Mar ac perčain cnočbeime ar. ir cethr  
 tul pe lar. ir cuicid tic, in deičbir.

Már ac perčain bain beimē pacab pei  
 glar, no at, no derž. ir a tri cuicid do du  
 cuicid tic rin deičbir.

Mar ac perčain ain no deoa tob, ir da  
 do tul pe lar, ir da cuicid co leč tic rin

Mar ac perčain banbeim aicinta ar. ir  
 pe lar, ocur [ceičri] cuicid tic rin deičbir

<sup>1</sup> *Two-fifths and a half.*—The MS. E. 3, 5 here reads "two-  
 is manifestly wrong. Accordingly Dr. O'Donovan substitu  
 half" for "cuicid, of a fifth."

<sup>2</sup> *And four-fifths.*—The Irish for four has here been put  
 needed to make sense.

What shall be *due* from a bee for making the animal bleed? The proportion which the full meal of honey that is *due* from a bee for making a person bleed bears to the hive that is *due* from it for killing him, is the proportion which the 'eric'-fine for blinding or killing the animal bears to that which will be *due* from a bee for making it bleed, i.e. four-fifths is the proportion for its lump-wound, three-fifths for its white wound which leaves a sinew in pain, or green, or swollen, or red.

If it be one or two of them *that are inflicted*, it (*the fine*) is two-fifths and half one-fifth. Two-fifths is the proportion for a natural white wound.

From the *owners of the bees* these *fines* are *due* for the animals. What shall be *due* from the *owners of animals* for the bees? If the animal killed the bee while *in the act of* blinding it, or killing it, or inflicting a wound upon it until it reaches bleeding, a proportion of the 'eric'-fine for the wound equal to a full meal of honey shall be remitted, and the remainder shall be paid by the owner of the bee to the owner of the animal.

If it was while *in the act of* causing the animal to bleed it (*the animal*) killed the bee, they i.e. the bleeding of the animal and the killing of the bee, shall be *set off* against each other; or else, indeed, *according to others*, the difference which is between causing a person to bleed and causing an animal to bleed is the difference that shall be paid by the owner of the animal to the owner of the bee.

If it was while inflicting a lump-wound on it *the bee was killed*, four-fifths shall be remitted, and one-fifth, the difference, paid.

If it was while inflicting a white wound which left a sinew in pain, or green, or swollen, or red, *the bee was killed*, three-fifths shall be remitted, and two-fifths, for the difference, paid.

If *the bee was killed* while inflicting one or two of them (*the wounds*), two-fifths and a half<sup>1</sup> shall be remitted, and two-fifths and a half, for the difference, paid.

If *the bee was killed* while inflicting a natural white wound on it (*the animal*), one fifth shall be remitted, and four-fifths,<sup>2</sup> for the difference, paid.



### Լեօար Աճե.

Ա թօ ԲԱՏԱՐ ԶԱՐԺԱԾԱ ԻՄԾԱ ԱՆՆ, ՆՕ ՄԱ թօ ԲԱՏԱՐ ԲԵՇ  
ՊԱ, ԻՐ ԵՐԱՆԾԱՐ ԾՕ ԸՐ ՈՍ ԻՆ ԶԱՐԾԱ Օ ՆԾԵՐՆԱԾ ԻՆ ՐՕԶԱՆԼ;  
Օ ՐԱ ՐԻՆԾՐԱՆԵՐ, ԱԵՒ ՄԱ թօ ԲԱՏԱՐ ՐԵԼԲԱ ԻՄԾԱ ԻՐՈՒ  
Ա ԻՐՈՒ, ԻՐ ԵՐԱՆԾԱՐ ԾՕ ԸՐ ՕՐՐԻ ՈՍ ՐԻՆԾԱՐ ԻՆ ԵՐԵԼԲ  
ԵՐՆԱԾ ԻՆ ՐՕԶԱՆԼ; ՕՍՐ Օ ՐԱ ՐԻՆԾՐԱՆԵՐ, ԱԵՒ ՄԱ թօ  
ԲԱՏԱՐ [ՇԵՐԱ] ԻՄԾԱ ԻՐՈՒ ԵՐԵԼԲ ԻՐՈՒ, ԻՐ ԵՐԱՆԾԱՐ ՕՐՐԻ ՈՍ  
ԲԱՏԱՐ ԻՆ ԵՐ ԱՐԱԾԻ Օ ՆԾԵՐՆԱԾ ԻՆ ՐՕԶԱՆԼ. ՕՍՐ ԻՐ Ե ՐԱԾ  
Ա ՆԾԵՐՆԱԾ ԻՐՈՒ, ՆԱՐԱԲ ՊՐՈԾ ԵՐ Ի ՈՒՆԱԾ ՎԵՂՇՇԵԱՐԱԾ,  
ՕՍՐ ՆԱՐԱԲ ՎԵՂՇԵՐ Ի ՈՒՆԱԾ ՊՐՈԾՇԵՐԱԾ; ԱԵՒ ԵԱՐԱԲ Ի ԻՆ ԵՐ  
Օ ՆԾԵՐՆԱԾ ԻՆ ՐՕԶԱՆԼ ՎԵՇ ԻՐՈՒ ԵՐՆԱԾ.

ՄԱՐ ԵՐԱ ԿՈՄՐԱԻԻ ՆՕ ԵՐԱ ԱՆԲՈՒՄ ՔԵՐԶԻ ԻՆՎԵՂԵԲԻՐ թօ  
ՄԱՐԻ ԻՆ ՎՈՒՆԵ ԻՆ ԲԵՇ, ՐԱԾ ՐԻՐ ԾՕ ՄՈՒԼ ԱՐ ՐՈՆ ԱՆԿՏԻՆԱ, ԻՐ  
ՇԵՂԻՐ ՐԱԾԱ ԱՐ ՐՈՆ ՎԻՐԵ.

ՄԱՐ ԵՐԱ ԱՆԲՈՒՄ ՔԵՐԶԻ ՎԵՂԵԲԻՐ, ՐԱԾ ՐԻՐ ԾՕ ՄՈՒԼ ԱՐ ՐՈՆ  
ԱՆԿՏԻՆԱ, ՕՍՐ ՎԱ ՐԱԾ ԱՐ ՐՈՆ ՎԻՐԵ.

ՄԱՐ ԵՐԱ ԻՆՎԵՂԵԲԻՐԵ ԾՈՐԲԱ, ՐԱԾ ՆԱՄԱ ԱՐ ՐՈՆ ՆԱԿԻՆ-  
ԴԻՆԱ.

Օ ԲԵՇԱԻԲ ՍՐՐԱԻԾ ԱԾԱ ՐՈՒ Ի ՎՈՒՆԵ; Ա ԼԵՇ Օ ԲԵՇԱԻԲ ՎԵՐՈՐԱԻԾ;  
Ա ՇԵԽՐԱՄԵԻ Օ ԲԵՇԱԻԲ ՄԱՐԿԱՐԵԻ; ՆՕՇՈ ՆՈՒԼ ՈՒ Օ ԲԵՇԱԻԲ  
ՎԱՐԻ, ՆՕ ՇՈ ՐԱ ՕՇԽԱՐ ՆՕ ԱՆԿՏԻՆ, ՕՍՐ Օ ՐՕ ՐԱ. Օ ԲԵՇԱԻԲ  
ՍՐՐԱԻԾ ԱԾԱ ՐՈՒ ԻՆ ՎՈՒՆԵ; Ա ՇԵՂԻՐ ՐԵՇՏՄԱՐՈ Օ ԲԵՇԱԻԲ  
ՎԵՐՈՐԱԻԾ; ՎԱ ՐԵՇՏՄԱՐՈ ՕՍՐ ԻՆ ՇԵԽՐԱՄԱՐԱՆՈՎ ՎԵՇ Օ ԲԵՇԱԻԲ  
ՄԱՐԿԱՐԵԻ; ՆՕՇՈ ՆՈՒԼ ՈՒ Օ ԲԵՇԱԻԲ ՎԱՐԻ, ՆՕ ՇՈ ՐԱ ՕՇԽԱՐ  
ՆՕ ԱՆԿՏԻՆ, ՕՍՐ Օ ՐԱ ՐԱ. Օ ԲԵՇԱԻԲ ՍՐՐԱԻԾ ԱԾԱ ՐՈՒ ԻՆ  
ՎՈՒՆ; Ա ԼԵՇ Օ ԲԵՇԱԻԲ ՎԵՐՈՐԱԻԾ; Ա ՇԵԽՐԱՄԵ Օ ԲԵՇԱԻԲ ՄԱՐ-  
ԶԱՐԵԻ; ՕՍՐ ՆՕՇՈ ՆՈՒԼ ՈՒ Օ ԲԵՇԱԻԲ ՎԱՐԻ ՆՕ ՇՈ ՐԱ ՕՇԽԱՐ  
ՆՕ ԱՆԿՏԻՆ, ՕՍՐ Օ ՐՕ ՐԱ. Օ ԲԵՇԱԻԲ ՍՐՐԱԻԾ ԱԾԱ ՐՈՒ ԻՆ

<sup>1</sup> *Many hives.* The Irish word for hives has been put in on conjecture, as necessary to complete the sense.



If there were many gardens, or if there were many bees, THE BOOK OF AICILL. lots are to be cast *to discover* from which garden the injury was done; and when it shall have been discovered, if there were many possessions in that garden, lots are to be cast on them till the *particular* possession be discovered from which the injury was done; and when it shall have been discovered, if there were many hives<sup>1</sup> in that possession, lots are *to be cast* upon them until the particular hive from which the injury was done shall have been discovered. And the reason why this is done is, that a bad hive may not be *given* in place of a good hive, or that a good hive may not be *given* in place of a bad hive; but that the *very* hive from which the injury was done may go for the injury.

If it was intentionally or inadvertently in unlawful anger the person killed the bee, a man's full meal of honey *shall be given* as compensation, and four full meals as 'dire'-fine.

If it was inadvertently in lawful anger *he killed the bee*, a man's full meal of honey *is given* as compensation, and two full meals as 'dire'-fine.

If it was through unnecessary profit *he killed the bee*, only a full meal *of honey is given* as compensation.

This is *due* from the bees of a native freeman for a person; the half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; there is nothing *due* from the bees of a 'daer'-person, until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due* for a person; four-sevenths thereof from the bees of a stranger; two-sevenths and one-fourteenth from the bees of a foreigner; there is nothing *due* from the bees of a 'daer'-person, until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due* for a cow; the half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; and there is nothing from the bees of a 'daer'-person until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the

THE BOOK ech; a leč o bečamb veoparč; a cethpawmčti o bečamb mar-  
 čurčti; ocup noco mil m a bečamb wari no co pua očur no  
 awchgn, ocup o pa pua. O bečamb wparč awa rin; a ceth-  
 pawmčti o bečamb veoparč; leč ocup pečtmaw o bečamb mup-  
 čurčti; cep leč o bečamb wari.

### Cin ceathra.

1. mawa cunstabairt in nuathamb no nach uatamb do  
 pugnet in marbač, iŕ poğa na ŕelbach awa tawmullteri awa  
 in crančor do genat no in atgn iŕawt; ocup maw he a  
 poğa in crančur, iŕ crančur do čur etaraw, co ŕeraw in  
 torčair orpo no na torčair; ocup ma do počair orpo,  
 ma taw ŕelba imwa ann, iŕ crančur do čur ar cač ŕelbač  
 wib co ŕeraw in ŕelbač wib ar a torčair; iŕ crančor do  
 [čur] ar cač mil po leŕ in ŕelb rin, cu ŕeraw in mil awičti  
 do pugnet in poğal; ocup lan po awnet in mil rin amach  
 ann. Ocup wa maw ŕer lea awchgn tic cen crančur  
 iŕaw.

Mar e a poğa in awchgn tic cen crančur iŕaw, maw  
 acu uile awa in mil comaw ocup commaw in mil po mar-  
 bač awa, iŕ crančur do čur cu ŕeraw awa wib wa po in  
 awchgn tic amach; ocup in ti wib wa paŕníc iŕaw awchgn  
 amach; ocup in eiŕic o cač eiŕic, cenmoča in cutpawma po  
 ŕoiŕeo wa čŕelb buŕéin.

Mawa uil ac neoč wib iŕaw mil comaw no commaw in  
 mil po marbač awa, iŕaw uile awchgn amach; ocup wenat  
 ŕečt panna de im wuine, ocup cuic panna im boin, ocup wa  
 pann im ech.

<sup>1</sup> The proportion which would fall on his own property. That is, the other owners  
 pay him the compensation he made in the first instance, except his own portion of it.

bees of a native freeman this is *due* for a horse; half thereof from the bees of a stranger; a fourth of it from the bees of a foreigner; and there is nothing *due* from the bees of a 'daer'-person until it reaches sick maintenance or compensation, or, *according to others*, even when it does. From the bees of a native freeman this is *due*; a fourth thereof from the bees of a stranger; a half and a seventh from the bees of a foreigner; an exact half from the bees of a 'daer'-person.

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### Injuries in the case of cattle.

That is, if it be doubtful whether it was by them or not by them the killing was committed, the owners who are sued for them have their choice whether they will cast lots or pay compensation; and if the casting of lots be their choice, lots shall be cast between them, that it may be known whether it (*the lot*) falls upon them or falls not; and if it falls upon them, if there be many possessions, lots shall be cast on each proprietor of them, until it is known on which proprietor of them it falls; and lots shall be cast upon each animal separately of that *particular* possession, until the particular animal that did the injury is known; and full *fine* according to the nature of that animal *shall be paid* out for it. And should they prefer to pay compensation without casting lots at all, *they may do so*.

If it be their choice to pay the compensation without casting lots at all, if they have each<sup>a</sup> an animal of the same age and quality as the animal that was killed on the occasion,<sup>b</sup> lots are to be cast that it may be known by which of them the compensation is to be paid out; and he upon whom it has fallen shall pay the compensation out; and the 'eric'-fine *shall be paid* by each of them *to him*, except the proportion which would fall on his own property.<sup>1</sup>

<sup>a</sup> Ir. All.

<sup>b</sup> Ir. In it.

If none of them has an animal of the same age and quality as the animal that was killed on the occasion, they all *conjointly* pay the compensation out; and they make seven parts of it *when it is* for a person, and five parts *when* for a cow, and two parts *when* for a horse.

**THE BOOK OF ALDE.** — **ՄԱՐԱ ՇԻՆՈՒ ԵՐԱՏ ՍԱԾԱՆ ԾՈ ՔՅՈՆՈՒ ԻՆ ՄԱՐԽԱԾ, ՕՍՄ ԵՐԱՏ ԽԵ ՔՅՈՒ ՆԱ ՔԵԼԲԱԾ ԻՆ ՆԱԾԻՅԻՆ ; ՄԱՏ ՔԵՐՔ ԼԵՐ ԻՆ ՔԵԻՇԵՄԱՆ ԵՐԻՇԵՏԱ ԻՆ ԵՐԱՆՈՇՄ, ԻՐ ԵՐԱՆՈՇՄ ԾՈ ԵԱԾԱՐԵ ԾՈ. ՕՍՄ ԵՐԱՏ ԽԵ ՔՅՈՒ ԻՆ ՔԵԻՇԵՄԱՆ ԻՆ ԱԾԻՅԻՆ, ՄԱՐ Ե Ա ՔՅՈՒ ՆԱ ՔԵԼԲԱԾ ԻՆ ԵՐԱՆՈՇՄ, ԻՐ ԵՐԱՆՈՇՐ ԾՈ ԵՐԱՏ.**

Cach uair ԻՐ Ե Ա ՔՅՈՒ ԻՆ ԵՐԱՆՈՇՄ, ՈՇՈ ՈՇԻՇՈՆ ԵՐԱՆՈՇՄ ԵԱ ՔԻՐ ԻՆ ՍԱԾԻՆ ՈՇ ՆԱԾ ՍԱԾԻՆ ; ԱԾ ԵՐԱՆՈՇՄ ԾՈ ՇՄ ԱՐ ԵԱԾ ՔԵԼԲԱԾ, ԵՐ ՔԵՐԵԱՐ ԻՆ ՔԵԼԲԱԾ ՈՒՆ ԱՐ Ա ԵՐԻՇԱՐ ; ԵՐԱՆՈՇՄ ԾՈ ՇՄ ԱՐ ԵԱԾ ՄԻԼ ՔՈ ԼԵԻԾ ԱՆԱ ՔԵԼԵ ՔԻՆ, ԵԱ ՔԵՐԵԱՐ ԻՆ ՄԻԼ ԱՐԻՇԻ ԾՈ ՔՅՈՆԵ ՔՅՈՒԼ ; ՕՍՄ ԻՐ ՈՒ ՔՈ ԱՐԻՇՈՒ ԻՆ ՄԻԼ ՔԻՆ ՈՒՇ ԱՄԱԾ ԱՆՈ. ՈՇ, ՄԱՏ ՔԵՐՔ ԼԵՐ ԱԾԻՅԻՆ ՈՒՇ [ԵՆ] ԵՐԱՆՈՇՐ ԵՐԱՐ, ՄԱԾ ՈՒՆ ԱՐԱՆ ԻՆ ԱԾԻՅԻՆ ԱՆՈ. ՄԱԾ ԵՐԱՆ ՔԵԻՇԵՄԱՆ ԵՐԻՇԵՏԱ ԱԾԻՅԻՆ ՈՒՇ ՈՒՇ ՔԻՐ, ՍԱՐ ՄԱՐԱ ՄԻԼ ԵՐԵՐԻՇԱԾ ԵԻԾ ՔՈ ՔԱԾԻՇՆԱՅ ՔԻՐ, ՈՇՈ ԵՐԱՏ ԱԾ Ա ՍԱԼ ՔՈՐ ՈՒԾԱՐՈՒՐ ԾՈ. ՄԱԾ ԾՈ ՆԱ ՔԵԼԲԱԾԱՆ ԱԾԻՅԻՆ ՈՒՇ ԾՈ ԶԱԲԱԼ ՍԱԾԻՆ, ՍԱՐ ՄԱՐԱ ՄԻԼ ԵՐԻՇԻՇՈՒՇ ՔՈ ՔԱԾԻՇՆԱՅ ՍԱԾՆ, ՔՈ ԻՐԱՐԵՐ ՈՒՐԵ ՔԵ ԵԱԵՆ ՆԱԾԻՅԻՆԱ.

ԵԱԾ ՍԱՐ ԻՐ ԵՐԱՆՈՇՐ ԼԵՐ ԱՐԱՆ ԻՆ ԱԾԻՅԻՆ ՈՒՇ, ԵՆԱԾ ՔԵԾ ՔԱՆՆԱ ՈՒ ԻՆ ՈՒՆԵ, ՕՍՄ ԵՐԱՆ ՔԱՆՆԱ ԻՆ ԵՐԱՆ, ՕՍՄ ԵԱ ՔԱՆՈ ԻՆ ԵԱԾ.

ՄԱՐԱ ԻՆՈՒԼԼԵ ԼԱՆ, ՕՍՄ ԼԵԻԾ, ՕՍՄ ԱԾԻՅԻՆԱ, ՕՍՄ ԻՆ ՈՒՆԵ, ՔԵԾ ՔԱՆՆԱ ԱՐ ԵՐԱՐ ; ԵԱԾ ԵՐԱՆ ԵՐԱՆՈՒՆ ԼԵԾ ԻՆ ԵՐԱ ՔԱՆՆԱՆ ԱԼԵ, ՕՍՄ ԵՐԱՆ ԵՐԱՐԱՐ ; ԵԱԾ ԵՐԱՆՈՒԼԼԵ ԼԱՆ ՕՍՄ ԻՆՈՒԼԼԵ ԼԵԾ ԵՐԱՆՈՒԼԼԵ ԱԾԻՅԻՆԱ ԻՆ ԱՆ ՔԵԾՄԱՏ ՔԱՆՆ, ՕՍՄ ԵՐԱՆ ԵՐԱՐԱՐ.

ՄԱՐԱ ԻՆՈՒԼԼԵ ԼԱՆ ՕՍՄ ԵՐԱՆՈՒԼԼԵ ԼԵԾ ՔԱԼ ԱՆՆ, ԵԱԾ ԵՐԱՆՈՒԼԼԵ ԼԱՆ ԵՐԱ ՔԱՆՆԱ ԱՐ ԱՐ ԵՐԱՐ, ՕՍՄ ԵԱԾ ԵՐԱՆՈՒԼԼԵ ԼԵԾ ԻՆ ԵՐԱՆՈՒԼԼԵ, ՕՍՄ ԵՐԱՆ ԵՐԱՐԱՐ.

<sup>1</sup> *If it be cattle of full.* The manuscript is very defective or corrupt here, and it is not easy to ascertain what sort of cattle is meant by the terms "cattle of full," &c.



If it be certain that it was by them the killing was committed, it should be the choice of the owners *to pay* the compensation; if the plaintiff prefers the casting of lots, the casting of lots shall be given him. And though the choice of the plaintiff should be the compensation, if the choice of the owners be the casting of lots, they shall have the casting of lots.

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Whenever the lot-casting is their choice, it is not necessary to cast lots to know whether it was by them or not by them *the injury was done*; but lots shall be cast upon each owner, that it may be known on which owner of them it falls; lots shall be cast upon each animal separately in his herd, till the particular animal *of them* that did *the injury* is ascertained; and a fine\* shall be paid out according to the nature of that animal. Or, if they prefer paying compensation without casting lots at all, *to have* the compensation is good for them both. *It is* good for the plaintiff that full compensation be paid to him, for if it were an animal of first offence that committed the injury, there would be *nothing* but its going in satisfaction *for the injury done* to him. *It is* good for the owners that full compensation be accepted from them, for if it was a wicked beast of theirs that committed the injury, they should pay 'dire'-fine together with compensation.

\*Ir. Thing

Whenever they are both mutually satisfied that the compensation should be paid, they make seven parts of it *when* for a person, and five parts *when* for a cow, and two parts *when* for a horse.

If it be cattle of full,<sup>i</sup> and of half, and of compensation *that are concerned*, and for *injuring* a person, seven divisions *are made* at first; *the cattle of full pay three parts*, they come *into shares* with cattle of half for other three parts, and they pay equally between them; the cattle of full and the cattle of half come *into shares* with the cattle of compensation for the seventh part, and they pay equally between them.

If it be cattle of full and cattle of half that are in question, the cattle of full pay three parts out of it at first, and come *into shares* with the cattle of half for *the other* four divisions, and they pay equally between them.

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Mapa inoilli lain ocup inoilli aithgina uil ann, icat inoille lain pe pectmaro ar ar tur, ocup tecait co inoilli aithgina im an pectmaro pann, ocup comicat etarpu.

Mapa inoille lete ocup aithgina ann, ceitru panna do denum don aithgin; icat inoilli leci tru panna ar ar tur, ocup tecait co hinoilli aithgina im an pectmaro pann, ocup comicat etarpu.

Mapa inoilli lain, ocup lete, ocup aithgina, im boin, cuic panna do denum don aithgin ann; icat inoilli lain da panno ar ar tur, ocup tecait co hinoillib lete im da pannaib aile, ocup comicat etarpu; tecait inoilli lain ocup inoilli lete cu hinoillib aithgina im in cuiceto panno, ocup comicat etarpu.

Mapa inoilli lain ocup inoilli lete, icat inoilli leci da panno ar ar tur, ocup tecait co hinoillib aithgina im in trer panno, ocup comicat etarpu.

Mapa inoilli lain, ocup leci, ocup aithgina, im ech, da panno daen panno ibi rin; icat inoilli lain ceitruimci ar ar tur; ocup tecait inoilli lain co hinoillib aithgina im lete, ocup comicat etarpu.

Mapa inoilli lain ocup inoilli aithgina uil ann, icat inoille lain in lete ata ar peate vru ar ar tur, ocup tecait co inoillib aithgina im in lete ata ar peate aithgina, ocup comicat etarpu.

Mapa inoilli lete, ocup aithgina uil ant, tru panna do denum don aithgin ant; icat inoilli leci truan ar ar tur, ocup tecait co inoillib aithgina im da truan, ocup comicat etarpu.

<sup>1</sup> Four parts are to be made of the compensation. The MS., E. 3, 5, is either defective or corrupt here, as while stating that four divisions are made of the compensation in this special case, it speaks immediately after of a seventh part, as if the division had been seven-fold.

If it be cattle of full and cattle of compensation that are in question, the cattle of full pay six-sevenths out of it at first, and they come *into shares* with the cattle of compensation for the *remaining* seventh part, and they pay equally between them.

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If it be cattle of half and of compensation *that are* in question, four parts are to be made of the compensation<sup>1</sup>; the cattle of half pay three parts out of it at first, and they come *into shares* with the cattle of compensation for the seventh part, and they pay equally between them.

If it be cattle of full, and of half, and of compensation *that are in question*, for *injury to a cow*, five parts are to be made of the compensation then; the cattle of full pay two parts out of it at first, and they come *into shares* with the cattle of half for other two parts, and they pay equally between them; the cattle of full and the cattle of half come *into shares* with the cattle of compensation for the *remaining* fifth part, and they pay equally between them.

If it be cattle of full and cattle of half *that are in question*, the cattle of half pay two parts out of it at first, and they come *into shares* with the cattle of compensation for the third part, and they pay equally between them.

If it be cattle of full, and of half, and of compensation *that are in question*, for *injury to a horse*, two parts are to be made of one part of them; the cattle of full pay one-fourth out of it at first; and the cattle of full come *into shares* with the cattle of compensation for *another half part*, and they pay *it* equally between them.

If it be cattle of full and cattle of compensation that are in question, the cattle of full pay the half which is for 'dire'-fine out of it at first, and they come *into shares* with the cattle of compensation for the half which is for compensation, and they pay equally between them.

If it be cattle of half, and of compensation, that are in question, three parts are to be made of the compensation in the case; the cattle of half pay one-third out of it at first, and they come *into shares* with the cattle of compensation for two-thirds, and they pay equally between them.







These are animals for which there is 'dire'-fine and compensation; and if they be animals for which there is 'smacht'-fine and compensation, if the 'smacht'-fine be four times the amount of the compensation, they are disposed of like 'seds' of quadruple;<sup>a</sup> if their 'smacht'-fine and their compensation be equal, they are disposed of like 'seds' of double.

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<sup>a</sup> Ir. *They are gradations of 'seds' of quadruple.*

If their 'smacht'-fine be greater than the compensation, and the 'smacht'-fine is not four times the compensation in the case, or if more than four times the compensation is in question, the proportion which the compensation bears to the 'smacht'-fine and the compensation, is the proportion to be paid<sup>b</sup> for cattle of compensation; and what there is from that out is to be divided in two; the cattle of full pay half out of it at first; *and* the cattle of full come *into shares* with cattle of half for *the other* half, and they pay equally between them. Cattle of full and cattle of half come *into shares* with cattle of compensation for the part which is for compensation, and they pay equally between them.

<sup>b</sup> Ir. *With thee.*

If there be an owner of many cows, and an owner of one cow; if what the owner of the many cows says is, that he will not permit the owner of the one cow *to come* into shares with him, and the owner of the one cow offers to come into shares *with him*, and the law does not compel the owner of the many cows to allow him to come into shares with him, unless he likes it himself; but the owner of the one cow shall pay as much as the owner of the many cows.

If the owner of the many cows permits the owner of the one cow *to come* into shares with him, they shall proceed<sup>c</sup> to a Brehon to know how they shall pay. What the Brehon says is:—"The owner of one cow pays only a portion equal to *that of any* one cow of the same nature with her which the owner of the many cows has."

<sup>c</sup> Ir. *Go with you.*

If it be *a case of* cattle of full, and of half, and of compensation *together*, killing the chained dog of the 'anraith'-poet,<sup>1</sup> the compensation in the case is to be divided into four parts; the cattle of full pay the fourth and the eighth out of it at first, and the cattle of full come *into shares* with the cattle of half for one-

THE BOOK OF AICILL. oētmad, ocur im comicat etarpu, Tecait inuille lain ocur inuille leče co inuillib aithgina im an cethpaman ata ap ſeač aithgina, ocur comicat etarpu.

Mara inuile lain ocur inuillib leče, icat inuille lain cethpuimči ocur oētmad ap ap tur, ocur tecait co inuillib leče im leič ocur im ſečtmad, ocur comicat etarpu.

Mara inuile lain ocur aithgina uil ann, icat inuile lain teora cethpuimči ap ap tur, ocur tecait co inuillib aithgina im in cethpuimči ata ap ſeač aithgina, ocur comicat etarpu.

Mara inuile leče, ocur aithgina uil ann, cuic panna do denam don naithgin ann; icat inuile leče trī panna ap ap tur, ocur tecait co inuillib aithgina im da pannaib, ocur comicat etarpu.

Uileſ 1 noſbpečaiſ.

.1. ſeibio ſneim ime ocur eſcaipe ſe ſeſ neolač cſiči ocur ſečtar cſiči do ſneſ, ciſ ap ſoſſoſ ciſ ap pſumſoſ, ciſ ſlan ciſ ſalač pſumſoſ, can ni inſ co baſ, na iaſ mbaſ.

Nocu ſeibenn ſneim ime na eſcaipe ſſi ſeſ naneolač cſiči na ſečtar cſiचे do ſneſ, ap pſumſoſ na ap ſoſſoſ, mara ſalač pſumſoſ, ciſ ſlan ciſ ſalač ſoſſoſ; no ſoſ pſumſoſ aſ buſein, ciſ ſalač ciſ ſlan; ſeibio im-urſo ſoſ ſoſſoſ, mara ſlan pſumſoſ; ocur ma do čuairo ſoſ ſoſſoſ, ocur ſlan pſumſoſ, ſeſ teite ſi ſoſ ap ſciſ imtečta, ſlan acſ ni eſle aſimſ ſe, ſlan he co baſ, ocur čſian inſ iaſ mbaſ.

‡ One-eighth.—The Irish is 'one-seventh,' which is plainly wrong.

fourth and one-eighth, and they pay *it* equally between them. THE BOOK OF AICILL.  
 The cattle of full and the cattle of half come *into shares* with the cattle of compensation for the one-fourth which is for compensation, and they pay *it* equally between them.

If it be cattle of full and cattle of half *that are in question*, the cattle of full pay one-fourth and one-eighth out of it at first, and they come *into shares* with the cattle of half for one-half and one-eighth, and they pay *it* equally between them.

If it be cattle of full and *cattle of compensation*, that are in question,<sup>a</sup> the cattle of full pay three-fourths out of it at first, <sup>a</sup> *Ir. In it.* and they come *into shares* with the cattle of restitution for the fourth which is for compensation, and they pay *it* equally between them.

If it be cattle of half, and of compensation, that are in question,<sup>a</sup> the compensation is to be divided into five parts then ; the cattle of half pay three parts out of it at first, and they come *into shares* with the cattle of compensation for two parts, and they pay equally between them.

### *What is lawful in deer judgments.*

That is, fence and notice always take effect against a person having a knowledge of the territory and of the *parts* outside of the territory, whether upon a bye-road or a high-road, whether the high-road be clean or dirty, *and* there is no fine<sup>b</sup> for it until death, or after death. <sup>b</sup> *Ir. Thing.*

Neither fence nor notice takes effect at any time against a man who has no knowledge of the territory or of the *parts* outside of the territory, upon a high-road or upon a bye-road, if the high-road be dirty, whether the bye-road be clean or dirty ; nor upon the high-road itself, whether dirty or clean ; it takes *effect*, however, upon a bye-road, if the high-road be clean ; and if he went upon the bye-road, the high-road being clean (*i.e. if* a man goes off the road through fatigue in travelling), *there is exemption for injuries to him*, but so as his life be not lost—exemption until death, but there is *only one-third penalty* for him after death.



## Lebap Aicle.

Aneolač in duine fur ap foglato anto, ocur ime ocur er-  
caire uil ann; ocur feireo into a dualgur aneolur, ocur  
feireo aile a dualgur nemcluinrin na ercaire; conato  
ian into iar mbap. Trian in lan dpe la aithgin on cui-  
etečta, no trian na aithgina on cuičig cučaire  
ečta.

Al bail ata, atbail peon, trian dpe ap anpačt; eplio  
uato annrin. Trian dpe rin naimeuataato do pine tečt  
dap ime a ceile, manab da pet conaire no ceime. Manub  
da pet conaire .i. in pumprot no ceime baile i ceimničenn  
cač rin n[č]aiče, uair noco neplenn uato anto rin. Ime cen  
ercaire uil ann, ocur aneolač in duine fur ap foglato ann;  
ocur leč into cu bap a dualgur aneolur, cona da trian  
into iar mbap. Ocur noco gabap in trian tuar into, ačt a  
gabail on feireč pa; ačt ašail ata in feireč pundo iar  
mbap a dualgur a aneolur, coir ce na beč feireo aile into  
a dualgur nemclouitechta na hercaire; conato amlaro  
rin ir trian iar mbap. Trian in lan dpu ro imurpo on  
bir airnol, no da trian in leč rin on cuičig cučaire  
etečta, no da trian na aithgina on čučaire tečta; lan  
rin pe taeb aithgina on bir airnol a pač, cen ime cen  
ercaire, čo im boin čo im eč. Cen ercaire, ocur ma ta  
ime, ir leč rin la aithgin; ma tait mar aen, ime ocur  
ercaire, iplán.

Marpa bir airnol itur pače ocur dpirano, cečruimči rin  
pe taeb aithgina ann im duine, ocur trian rin pe taeb  
aithgina im boin, ocur da trian rin pe taeb aithgina

<sup>1</sup> *If it was not in his direct path.* That is, such is the rule if the fence be not in his direct path, i.e. because his death is not the direct, immediate result of the pit-fall; i.e. he was himself guilty of contributory negligence.



In this case the person who was injured has no knowledge THE BOOK OF AICILL. of the territory, and it is a case of "fence and notice": and there is one-sixth 'dire'-fine for him through his want of knowledge, and another sixth on account of not having heard the notice; so that there is one-third for him after death. There is one-third of the full 'dire'-fine with compensation from the owner of the unlawful pitfall, or one-third of the compensation from the hunter who owns the lawful pitfall.<sup>a</sup>

Where it is said "he died, one-third of 'dire'-fine for illegality;" he died of it then. One-third of 'dire'-fine is due for the illegality which he committed in coming over the fence of his neighbour, if it was not in his direct path or in his way. If it was not in his direct path,<sup>1</sup> i.e. in the chief road or path where all walk in the green, for he does not die from it then. There is a fence but no notice in the case then, and the person who was injured had no knowledge of the territory, and there is one-half 'dire'-fine for him until death, on account of his want of knowledge, so that two-thirds are paid for him after death. And the third above mentioned is not found in it (the book), but is inferred from this sixth; for, as there is the sixth here after death on account of his want of knowledge, it is right that there should be another sixth on account of his not having heard the notice; so that in this way it (the 'dire'-fine) is one-third after death. Now, one-third of this 'dire'-fine is paid for the set-spear, or two-thirds of the half 'dire'-fine for the pitfall of the unlawful hunter, or two-thirds of compensation for the pitfall of the lawful hunter; full 'dire'-fine with compensation for the set-spear in a green, without a fence, without notice, whether for injury to a cow or for a horse. This is when there is no<sup>b</sup> notice, and if there be a fence, it (the penalty) is half 'dire'-fine with compensation; if there be both, a fence and notice, it is a case of exemption.

<sup>a</sup> Ir. The pitfall of the lawful hunter.

<sup>b</sup> Ir. Without.

If it be a case of a set-spear between a green and a wild place, one-fourth of 'dire'-fine with compensation is due in the case for injury to a person, and one-third of 'dire'-fine with compensation for a cow, and two-thirds of 'dire'-fine

## Leban Aicle.

im eč. Cen ime cen ercaipe rin, ocur ma ta ime, ip leč  
cha painoi ; ma tait map aen, ime ocur ercaipu, iplán.

Mapa bip aipmil i pleib no i noipaino, cethpuimči na  
cethpuimči oipu la taeb naitgina ano im duine, trian in  
trian oipe pe taeb naitgina ano im boin, ocur da trian in  
da trian oipu pe taeb naitgina ann im eč. Cen ime cen  
ercaipe atá rin ; ocur ma ta ime, ip leč cača painoi ; ma  
tait map aen, ime ocur ercaipe, iplán. Leč oipu la taeb  
naitgina on cuičig cučaipe etečta i paiche, cen ime cen  
ercaipu, cio im boin, cio im eč, cio im duine. Ma tait  
map aen, ime ocur ercaipe, iplán.

Mápa cuičhe cučaipe etečta i pleib no i noipaino, ceč-  
puimči naitgina ann im duine, ocur trian naitgina im  
boin, ocur da trian naitgina ann im eč, cen ime cen  
ercaipe ; ocur ma ta ime, ip leč cača painoi ; ma tait map  
aen, ime ocur ercaipe, iplán.

Aičigin on cuičig cučaipe etečta i paiche, cen ime cen  
ercaipe, cio im boin, cio im duine, cio im eč. Cen ime cen  
ercaipe rin. Ma ta ime, ip leč cača painoe ; ma tait  
map aen, ime ocur ercaipu, iplán.

Mapa cuičig cučaipe etečta i oipu paichi ocur oipaino,  
cečpuimči aičigin ano im duine, ocur trian naitgina im  
eč. Cen ime cen ercaipu atá rin ; ocur ma ta ime, ip leč  
cača painoe. Ma tait map aen, ime ocur ercaipu, iplán.

Mapa cuičig cučaipe etečta i pleib no noipaino, cečpuimči  
na cečpuimči aičigin im duine ann, ocur trian in trian  
naitgina ann im boin, ocur da trian in da trian im eč.

with compensation for a horse. This *is the case* when there is neither a fence nor notice, but if there be a fence, it (*the penalty*) is half of each *before mentioned* portion; if there be both, a fence and notice, there is exemption.

If it be *a case of* a set-spear in a mountain or in a wild place, *there is a penalty of* one-fourth of the one-fourth of 'dire'-fine with compensation for *injury* to a person in the case, one-third of the third of 'dire'-fine with compensation for a cow, and two-thirds of the two-thirds of 'dire'-fine with compensation for a horse. This *is the rule* when there is neither fence nor notice; but if there be a fence, it (*the penalty*) is half of each portion; if there be both, a fence and notice, there is exemption. Half 'dire'-fine with compensation *is payable* for the pitfall of the unlawful hunter in a green, without a fence without notice, whether for *injury* to a cow, or for a horse, or for a person. If there be both, a fence and notice, there is exemption.

If it be a pitfall of an unlawful hunter in a mountain or in a wild place, one-fourth of compensation *is due* for *injury* to a person in the case, and one-third of compensation for a cow, and two-thirds of compensation for a horse, when there is neither fence nor notice;\* but if there be a fence, it (*the penalty*) is half of each portion; if there be both, a fence and notice, there is exemption.

\* Ir. Without fence, without notice.

Compensation *is due* from the pitfall of the lawful hunter in a green, without fence or notice, whether for *injury* to a cow, or for a person, or for a horse. This is when there is neither fence nor notice. If there be a fence, it is half of each division; if there be both, a fence and notice, there is exemption.

If it be a pitfall of a lawful hunter between a green and a wild place, there is one-fourth of compensation *payable* for *injury* to a person in the case, and one-third of compensation for *injury* to a horse. This is when there is neither fence nor notice; but, if there be a fence, it (*the penalty*) is half of each portion *before mentioned*. If there be both, a fence and notice, there is exemption.

If it be a pitfall of a lawful hunter in a mountain or wild place, a fourth of the fourth of compensation *is due* then for a person *injured*, and a third of the third of compensation for a cow, and two-thirds of the two-thirds for a horse.



**THE BOOK OF AICHLA.** Cen ime cen ercaire atá rin; ir ma ta ime ocur ercaire, ir lan; uair nocu neicen imme cun cuāir teēta i pleib no i nōiraino. Ocur ir e aen inao i ngeibenn speim ercaire i necmair imme; uair geibid speim ime i necmair ercaire, ocur nō geibenn ercaire i necmair ime.

Do gabar in lan uil uairib i fairi; ocur noco nagabar in lan uil uairib uil, ior fairi ocur uiraino, no i pleib, no i nōiraino atá, aē a gabail on cuī cuāir etechta.

Canar a ngabar teorā cethruimē uir atá on bir airnūl ior fairi ocur uiraino im uine? Ir ar gabair, on cuī etechta i fairi; uair tui cumala uipe ocur cumal aithgina atá uair ior fairi im uine, ir e a cethruimē rin in cumal atá uair ior fairi ocur uiraino im uine; coir no uirioe, uair ir lan uir uil on bir airnūl a fairi im uine, cemaō cethruimē uir do beir uao ior fairi ocur uiraino im uine.

Canar a ngabar in tuiā uir uil on bir airnūl ior fairi ocur uiraino im boin? Ir ar gabair, on cuī etechta tall i fairi; uair uā uā uir ocur bo aithgina atá uair tall i fairi im boin. Ir e a tuiā rin in bo aithgina atá uair ior fairi ocur uiraino im boin; coir no uirioe, uair ir lan atá o bir airnūl i fairi in bo, cemaō tuiā uo beir uao ior fairi ocur uiraino im boin.

Canar a ngabar in uā tuiā uir atá o bir airnūl ior fairi ocur uiraino im eē? Ir ar gabair, on cuī cuāir

<sup>1</sup> But if there be a fence and notice.—The Irish for “a fence and” must have been introduced into the MS. by the mistake of a copyist, as appears from the next clause.



This is *the case* when there is neither fence nor notice; but if there be a fence and notice, there is exemption; for a fence is not necessary in the case of the lawful hunter in a mountain or a wild place. And it is the only instance in which notice takes effect without a fence; for a fence takes effect without notice, but notice does not take effect without a fence.

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The full *fine* which is *due* from them in a green is found in *law books*; but the full *fine* which is *due* from them all, between a green and a wild-place, or in a mountain, or in a wild-place, is not found, but is inferred from the pitfall of the unlawful hunter.

Whence is it derived that three-quarters of 'dire'-fine are *due* from the *owner of the set-spear when* between a green and a wild-place for *injury to a person*? It is derived from *the rule respecting* the pitfall of an unlawful hunter in a green; for it is three 'cumhals' of 'dire'-fine, and one 'cumhal' of compensation that are *due* from *the owner of it* in a green for *injury to a person*, the fourth of that is the 'cumhal' which is *due* from it *when* between a green and a wild-place for *injury to a person*; it is right from this, that as it is full 'dire'-fine that is *due* from *the owner of the set-spear in a green for injury to a person*, it is the fourth of 'dire'-fine that should be *due* from it between a green and a wild-place for *injury to a person*.

Whence is it derived that the third of 'dire'-fine is *due* from *the owner of the set-spear when* between a green and a wild-place for *injury to a cow*? It is derived from *the rule respecting* the unlawful pitfall within the green; for it is two cows of 'dire'-fine and one cow of compensation that are *due* on account of it *when* within the green. The third of that is the cow of compensation that is *due* on account of it *when* between a green and a wild-place for *injury to a cow*; it is right therefore, that as full *fine* is *due* from *the owner of the set-spear in a green for injury to a cow*, it is a third of it that should be *due* from *the owner of it (the set-spear) when* between a green and a wild-place for *injury to a cow*.

Whence are derived the two-thirds of 'dire'-fine that are *due* from *the owner of the set-spear when* between a green and a wild-place for *injury to a horse*? They are derived from

## Leban Aicle.

lechta tall a faiči, uair capall aithgina ocuf capall  
a ata uairi tall i faiči im eđ; a da trian rin in  
l aithgina ata uairi iur faiči ocuf dírairio im eđ;  
no deirioe, uair lan dír a on bir airuol i faiči im  
ma dá trian dír do beir uao iur faiči ocuf dírairio  
each.

Maia uaine aile po éuirirar in uaine dindell a airuol.  
ađt mar e in tinaro a dubairt per bunaro pur a indell po  
indillrum he, no maro ip comoligteč pur, ip a comic doib  
ineich olegar ann.

Maia oligteču in tinaro ar indillrum iná in tinaro a  
dubaro pur, in cutruma rcuirar a oligteč dozum de cupub  
de fein rcuirer.

c. 1643. Ma puc in fiao leir in cep no in cuiči ar a maro, ip lan  
po aineođ in maro in po milleo [in cuiči] dic ino; no,  
cumao lan po aineođ in maro in po foglađ.

Da cuiči cučairi aiepođtar; cučairi tečta ocuf cuč-  
airi etechta.

c. 1642. In cučaire tečta; ni ēic cuiči ađt in fiao gairmeaf,  
ocuf tic rin on trač co fairle. Mar ipin [cuiči] cučairi

c. 1642. tečta po foglađ [purin orr], ip inann ocuf do neč in mil  
cét cirtač im, aithgin. No dono cena, co rcuiraro mepačt  
a cučaire leč de, amail rcuirer mepačt a hepma leč  
don eč, ocuf coonač do ni a tarcuro mar aen.

c. 1642. In cuičig [cučaire] etechta; ip cutruma ēic cuiči in fiao  
gairmer ocuf in fiao na gairmenn.

Mar ac tiačtain ar amuf na cuiche tečta po fogail in  
fiao, ip inann ocuf po foglađ inoti.

<sup>1</sup> *In which it was damaged.* This seems to mean, the place in which the trap was placed when it was damaged, i.e. broken or removed by the deer.

*the rule respecting the pitfall of the unlawful hunter within the green, for it is a horse of restitution and a horse of double that are paid by the owner of it when within the green for injury to a steed; the two-thirds of these is the horse of restitution that is due from the owner of it when between a green and a wild-place, for injury to a steed; hence it is right, that as there is full 'dire'-fine from the owner of the set-spear in a green for injury to a steed, two-thirds of 'dire'-fine should be paid by the owner of it when between a green and a wild-place, for injury to a steed.*

If it was another person the man sent to set his trap, and if he set it in the place where the owner desired him to set it, or in an equally lawful place, they (*the owner and setter*) shall pay equally what is incurred on account of it.

If the place where he set *the trap* is more lawful than the place where he was told to set it, the portion of *fine* which its more lawful position<sup>a</sup> takes off him is taken off himself<sup>a</sup> *Ir. Law. only.*

If the deer has carried off the stock or the trap out of its place, full *fine* is to be paid for it according to the nature of the place in which the trap was injured; or, *according to others*, it may be full *fine* according to the nature of the place in which it was damaged.<sup>1</sup>

Two traps of hunters are taken into consideration; *those of the lawful hunter, and of the unlawful hunter.*

*As to the lawful hunter; there comes not to him but the deer which he rouses, and it comes from one time to another. If it was in the pitfall of the lawful hunter the injury was done by the deer, it is the same as if an animal of first trespass did it, as regards compensation. Or indeed, according to others, the excitement of being hunted takes half off it, just as the excitement of its being ridden takes half off the horse, when<sup>b</sup> it is a sensible adult that excites both.*

<sup>b</sup> *Ir. And.*

*As to the pitfall of the unlawful hunter; the deer which he rouses and the deer which he does not rouse come equally to him.*

If it is in coming towards the lawful pitfall the deer has done the injury, it is the same as if he had done the injury in it (*the pitfall*).



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ir ac tiačtain ar amur na cuiti etečta, irāep pep na  
e ar a cintuib, no co raib na cuithe; ocur ō biair, ir  
po aiened na cuithe dic and.

tuine tainic do gant in pīāā ar in cuiti, ir lan tpir  
cuithe cia pōglaō in [pīāo no in] cuitēc pur; ocur dia-  
ō pēola inōpāici, ocur eneclann dic do pe pep na  
cuithe.

Mar ar tapann po pōglaō [in pīāo] ačt ma tap[τ]ur he,  
ir inand ocur do neič mil leč cintach ar ingilt, in leč dic,  
ir mēpāčt a tapaind pēuiper leč de. Mana tapur itir,  
pīān can ni dic and.

### Andrum tpe tpeidōtpe.

1. aen eneclann dec aithpēgtaṛ ann; eneclann tpir in  
tiḡe, ocur eneclann tpir in tpeoit, ocur eneclann tpir na  
lepčā, ocur eneclann don ti dāp eipced in lepāō, ocur ene-  
clann do cač tairēč do na pēčt tairēčāib dām ir uairlī  
tainic ar dāmpaō ar amur in tiḡi; ocur in naenmaō pānn  
pichit do cač eneclainn oib tpir in tiḡi, cenmočā pep in  
tpeoit, ocur pēar in pēoit ocur pep na lepčā; ocur lepāō  
oiler uil aici ann, uair mun buō eō do biaō nī uāō. Ocur ir  
ar gābaiṛ; in naenmaō pānn pichit cač eneclainn oib tpir  
in tiḡe. Dēpṛ de pēt gāblā ar muin tpir do cač tuilpēb, .i.  
bpeithemnaigter pēt do gābluḡāō pōp muin a eneclainn  
don ti pur in toltanač bič ina tpeb; in rin in aenmaō  
pānn pichit eneclainn o cač pīr oibpūm tpir in tiḡi, cen-  
močā pep in tpeoit. Ir ar gābaiṛ a beič co mōpēipēar  
ina tūpōrgain enōac enḡe, [.i.] arpen eneclann cačā pūm-

Sic.

<sup>1</sup> *A beast of half trespass.*—C. 1643 has “a beast of first trespass.”

<sup>2</sup> *And that of the owner of the ‘sed.’*—C. 1644 reads here, “uair maō eipčōe ir  
lor do a pēt do gant uāō cin co raib ni uāō; for if it be he, it is enough for  
him that his ‘sed’ has been stolen from him, without anything being paid by him.”

<sup>3</sup> *And that of the owner of the ‘sed.’*—The Irish for this phrase in the MS. must  
have been repeated by a mistake of some copyist. It contradicts line 25 of page  
460, and seems to have no meaning.

<sup>4</sup> *A blameless theft.*—That is, it would appear a theft for which the owner of the  
house was not in any way to blame.



If it is in coming towards the unlawful pitfall *he did the injury*, the owner of the pitfall is exempt from *liability* for its trespasses, until it is in his pitfall; and when it is, full *fine* according to the nature of the pitfall shall be paid for it. THE BOOK  
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As to the person who came to steal the deer out of the pitfall, the owner of the pitfall is exempt from *liability*, though the deer or the pitfall should injure him; and double the worth of the flesh, and honor-price, are to be paid by him to the owner of the pitfall.

If it is while being chased the deer did the injury, and if it be caught, it is the same as if a beast of half trespass<sup>1</sup> while grazing had done it, as regards paying half *fine*, and the excitement of its being chased takes half off it. If it be not caught at all, there is exemption from paying anything for it.

The 'dire'-fine for *stealing from* a house is a difficult 'dire'-fine.

That is, eleven honor-prices are considered in it, *viz.*, honor-price to the owner of the house, and honor-price to the owner of the 'sed', and honor-price to the owner of the bed, and honor-price to the person to whom the bed was given, and honor-price to each chief of the seven noblest chiefs of companies who came on a visit to the house; and the one and twentieth part of each honor-price of them *is due* to the owner of the house, except *he be* the owner of the 'sed,'<sup>2</sup> and *that of* the owner of the 'sed,'<sup>3</sup> and *that of* the owner of the bed; and it is his own bed that he has in this case, for if it were not there would be part<sup>3</sup> of the honor-price due from him. And <sup>1</sup>Ir. *A thing.* hence is derived; "the one-and-twentieth part of each honor-price of them *is due* to the owner of the house." There is taken from him (*the thief*) a 'sed gabhla'-heifer in addition to 'dire'-fine for each person willing to remain in his (*the owner's*) house, i.e. there is adjudged to the person who is willing to remain<sup>b</sup> with him in his house, a 'sed-gabhla-heifer,' along <sup>2</sup>Ir. *To be.* with his honor-price; and this is the one-and-twentieth part of his honor-price from each man of them to the owner of the house, except the owner of the 'sed.' Its being *extended* to seven persons is inferred from its being a blameless theft,<sup>4</sup> i.e., the honor-price of each chief person that is in the ban-

## Leban Aicle.

ḡpan ar a mōdeuaird co ruici mōrfeirep; ocup mā tait  
r lia na rin do tairēab dam ar in damruo, ir tairē-  
tan doib fon peēt neneclainne, ocup rairuot etairu po  
comairu no po leiē airu. [Ocup] in eutruma daim na  
L; don po roich do cach duine oib fon, a leē do buru-  
ur a leē da daim; ocup do neoē na ruil da daim na  
māo, ir eirum berur a cuicig, dāig ir e po icrao a cuicig  
uire.

C. 1645. No dono, cona beirē aēt do truar; ocup ir ar ḡabur rin  
.i. mun or mōn do ḡreḡa, [cuirter co teora para pu-  
baili bi] 7rē.

C. 1645. Cio fōdera co ruil in aenmāḡ pann rīchit da eneclainn  
o caē fir oib fon ḡfir in tigi cenmōta fer in tpeoit? .i. a  
dualḡur fir in tigi ata nī doibrium; [ocup] ir eo fōdera in  
aenmāḡ pann rīchit da eneclainn o caē fir oib ḡfir in  
tigi; ocup nocon a dualḡur fir in tigi ata nī ḡfir in tpeoit,  
aētmao a dualḡur a fpeoit buruon; ocup ir eo fōdera can  
nī uao ḡfir in tigi.

C. 1645. Ocup lēpairo rin po eirceo do cliamain, no du t[r]uaḡruē,  
no do duineairuē; ocup mun buru eē, noco biao nī anu aēt-  
mā do uir .i. ḡfir in tigi, ocup ḡfir na lēpta, no ḡfir in  
tpeoit.

Nī bi cairēē nach cuitech.

.i. in fet coitcenn ḡrairuo; rlan don duine a cuir fein  
do cairēm de, cio ne deitburuor cio ne inuēitburuor, ēia po  
bi in fer aile i baile i roiruo in cocar cen co raib; aēt  
airuon inuēch ir eḡbaḡaē tpe na roiruo a hic do rin in fer  
aile. Aēt na cairēa cuicig in rin aile, ocup da cairēa, ir

<sup>1</sup> *If thy horses are removed from the hill of meeting, &c.*—This is Dr. O'Donovan's revised translation of this very obscure phrase.—*Vide* "Senchus Mor," vol. i., p. 165.

<sup>2</sup> *Or of the owner of the 'sed.'*—C. 1645 has some more paragraphs relating to this subject, which appear to be misplaced. They are rather fragmentary, and from defects in the MS. are very obscure.

quet-house until it reaches seven persons shall be paid; and if there are more than this *number* of chiefs of companies at the banquet, they come under the seventh of honor-price, and they divide it between them equally or unequally. And *as to* the part that is for the company; of that which comes to each of them, the half is for himself, and the half for his company; and as to the person who has no company with him, it is he that shall have their share, for it is he that would pay their share of the house 'dire'-fine.

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Or indeed, *according to some* it is *extended* only to three persons; and this is inferred from; "If thy horses are removed from the hill of meeting,<sup>1</sup> it is put to the three best chiefs of the pavilion," &c.

What is the reason that the one-and-twentieth part of his honor-price is *due* to the owner of the house from each man of these except the owner of the *stolen* 'sed'? That is, it is in right of the owner of the house that anything is *due* to them; and this is the reason that the one-and-twentieth part of his honor-price is *due* from each man of them to the owner of the house; but it is not in right of the owner of the house that anything is *due* to the owner of the *stolen* 'sed', but in right of his own 'sed'; and this is the reason why nothing is *due* from him to the owner of the house.

And that bed *above referred to* was given to a son-in-law, or to a soldier, or to a particular person; and if it were not, there would be nothing *due* for it except to two persons, viz., to the owner of the house, and to the owner of the bed, or, *according to others*, to the owner of the 'sed'.<sup>2</sup>

No one should be a spender who is not a sharer.

That is, *as to* the common easily divisible 'sed'; a person is exempt in spending his own share of it, whether with necessity or without necessity, whether the joint-owner<sup>a</sup> was at a place where he could have come to him to consult him or whether he was not; but the compensation for whatever is deficient in consequence of dividing it is to be paid by him to the joint-owner.<sup>a</sup> He must not, however, spend the share of the joint-owner,<sup>a</sup> and should he spend it, it is to

<sup>a</sup> Ir. *The other man.*



**THE BOOK OF ASHUR.** α αιριυε υαο οο λαν ριαδαιβ ζατι, αετ mun bu ουινη ολιγιυρ  
ειρεδ το ζαβαλ να δειλε he; ουρ μαρ εο, ιρλαν το α βειδ  
αοι ρε ρε ιν ειρυζ.

**C. 1648.** Ιν ρετ κοιτcεnn ποραιντοι; ιρλαν τον ουινη α ειυτ ρειν το  
cαιεem δε ρε ουειδβιυρ, ουρ ιν ραibi ιν ρερ αιλε ι bail ι  
ροιρτο ιm cocap; [no cε ρο βοi, ουρ ρο ριαρραιδ δε, ιρ ρλαν  
το]; αετ αιτηγιn ινειδ ιρ ερβαοαδ δε τηα να ροινο τοιc το  
ριριν ρερ αιλε, cen ριαδ ζατε.

Μαρ ρε ινωειδβιυρ ρο cαιειυρταρ he ιμυρηo, ce ρο bi  
ιν ρερ αιλε ι bail ι ροιρτο ιm cocap cen co ροibi, no ci το ρε  
ουειδβιυρ, μα ρο bi ιν ρερ αιλε ι bail ι ροιρτο ιm cocap,  
ουρ ιν δερναο, ιρ αιτηγιn ινειδ ιρ ερβαοαδ δε τηα να ροινο  
τοιc το, co λαν ριαδαιβ ζατι ριριν ρερ αιλε. Οουρ ινρ cαιε  
cαιτοζ ιν ριρ [αιλε] ann ριn; ουρ μα ρο cαιε, ιρ α αιριυε  
υαο co λαν ριαδαιβ ζατι.

Ιρ εο ιρετ κοιτcεnn ποραιντοι ann, ουιδε το βεοτολιb no  
το μαρβοιλιb, no aen μαρb ναδ μειρτι λογ α ροινο.

Ιρ εο ιρετ κοιτcεnn ποραιντοι ann, aen βεοτοil no aen  
μαρβοil ιρ μειρτι λογ α ροινο.

Ιnδειρcech cαc μορcαιτεc.

.1. μαρ ac compeρραιn το ραλα ιm ιν ρετ, αετ μα τα τοib  
neδ ιρ mo cιυτ να cειλε, ιρ ιno ειριυε υαο αρ.

Μαρa cυτρυμα α cιυτ ανo, ιρ cρανoδcυρ το cυρ εταρρυ,  
no ιρ ροινο αρ το.

Μαρa cenn ουρ memap ατα ιm ιν ρετ, αετ μαρa mo cιυτ  
ιn ciνο, no μα cυτρυμα ρε cιυτ ιn memap, ιρ an ειριυε υαο



be paid by him with full fines for theft, unless he is a person who is entitled to take a forced exaction from his tenant; and if he is, he is exempt in having it during the time of the forced exaction.

As to the common not easily divisible 'sed;' a person is exempt in disposing of his own share of it, in case of necessity, when the joint-owner<sup>a</sup> was not at a place where he could have consulted him; or though he was, and was consulted, he (*the spender*) is safe; but he must make compensation to the joint-owner<sup>a</sup> for whatever is deficient in consequence of the sharing of it, without fine for theft.

\* Ir. *The other man.*

If, however, it was without necessity he spent it, whether the joint owner<sup>a</sup> was at a place where he could have consulted him, or whether he was not, or though *he did so* of necessity, if the joint-owner<sup>a</sup> was at a place where he could have consulted him, and if he did not *consult him*, he shall make good to the joint-owner<sup>a</sup> whatever is deficient in consequence of the dividing of it, with full fines for theft. And he did not spend the share of the other man in that case; and if he spent *it*, it should be repaid by him, with full fine for theft.

A common easily divisible 'sed' means, two live chattels or dead chattels, or one dead *chattel* the value of which is not lessened by its being divided.

A common chattel not easily divisible means, one live chattel, or one dead chattel the value of which would be lessened by its being divided.

Everyone who has the great share pays the 'eric'-fine.

That is, if two persons of equal rank are concerned about the 'sed,' and if there be one of them who has a larger share of it than the other, he pays the 'eric'-fine for it.

If their shares in it be equal, lots are to be cast between them, or it is to be divided in two.

If it be a chief and a member of a tribe that are concerned about the 'sed,' and if the share of the chief is greater than or equal to the share of the member, the 'eric'-fine is

The Book can cranocur. Maṛa mo cur in memar, iṛ cranocur  
 of etarpu.  
 —

Ca deitbir etarpu rin ocuṛ in baṛl ata: in ti dia mbi  
 canme in cethra, iṛ é inepen ní ar dia paile. Itir lanam-  
 an ata in ret arō rin, ocuṛ ar comluga lanamnair etarpu  
 ino ti dib dana tairci in ceneṛ inoile rin in eipic uat ar  
 cen cranocur. Sunn inurpo itir cenn ocuṛ memar ata  
 in ret arō; ocuṛ tporuairli ata don éinō, cemad mo cur  
 in memar iṛin ret na cur in cinō, iṛ cranocur etarpu.  
 No maṛa curuma a cur mar aen, in eipic on éinō ar can  
 cranocur.

### Oḡoileṛ caē nanreṛtarō.

C. 1649.

.1. plān in ḡataiṛe do marbat can plaindiuṛ can aiṛne,  
 can caemaṛtu arṛaiṛe in uair denma na poḡla; ocuṛ plān  
 caē duine marbṛair in a riṛt. [Ma ta caemaṛtain  
 raircaḡṛi, iṛ ḡo tṛian nupana iṛ plān e bodein, ocuṛ lan  
 riāṛ iṛin ti po marbat in a riṛt.] Inṛeiteam arṛaiti  
 rucad ēuici ann rin; no maṛa inṛeiteam marbṛa rucad  
 ēuici, ma po bi caemaṛtu arṛaitē cen co poiṛi, iṛ co  
 tṛian iṛlan he bodein, ocuṛ lan riāṛ no leṛ riāṛ iṛin ti  
 po marbat in a riṛt.

In uair denma na poḡla rin; ocuṛ ma reṛtar uair den-  
 ma na poḡla, ciṛ pun marbṛa ciṛ pun arṛaiti, iṛ co tṛian  
 nupana iṛlan he bodein, ocuṛ leṛ riāṛ iṛin ti po marbat  
 in a riṛt. In uair denma na poḡla rin; ocuṛ ma reṛtar  
 uair denma na poḡla, aṛt ma tarar ḡait in a laiṛṛ, iṛ  
 amuil ḡataiṛi he in uair denma na poḡla, po aicneṛ in in-  
 reitim rucad cuici, ciṛ inreiteam marbṛa ciṛ inreiteam  
 arṛaiti.

<sup>1</sup> Lots are to be cast between them.—O'D. 2003 and C. 1654 add two paragraphs  
 here, which appear to be out of place.

<sup>2</sup> On account of every person killed in his guise. The Irish words translated "in  
 his guise," do not imply a third party supposed to have been the thief, but the thief  
 himself not taken in the fact but believed by the slayer to have committed the theft.

to be paid by him without casting lots. If the share of the member be greater, lots are to be cast between them.<sup>1</sup>

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What is the difference between these cases, and where it is said; "the person who has fewest cattle is he who pays out of it to the other"? The 'sed' is between a related pair in that case, and it is to equalize the connexion between them that the person who has fewest of this species of cattle pays 'eric'-fine for them without casting lots. Here, however, the 'sed' is between a chief and a member; and it is on account of the rank of the chief, that, although the member's share in the 'sed' is greater than that of the chief, lots are to be cast between them. Or if the share of both be equal, the 'eric'-fine is *due* from the chief without casting lots.

*The life of every law-breaker is fully forfeited.*

That is, it is lawful to kill the thief without name, who is not known,<sup>a</sup> when there is no power of arresting him at the time of committing the trespass; and he (*the slayer*) is exempt on account of every person killed in his guise.<sup>2</sup> If there is power to arrest him, he is exempt as far as one-third of the excess on account of the man himself, and there is full fine on account of the person killed in his guise. It was his (*the slayer's*) intention to have arrested him<sup>b</sup> in that case; or if it had been his intention to kill him, whether he were able to arrest him or not, he is exempt as far as one-third on account of the man himself, but he pays full fine or half fine on account of the person killed in his guise.

<sup>a</sup> Ir. *Without knowing.*

<sup>b</sup> Ir. *An intention of arresting him was brought to him.*

This was at the time of committing the trespass; but if it were at a time different from that of committing the trespass, whether he intended to kill him or to arrest him, he is exempt as far as one-third of the excess on account of the man himself, but there is half fine due on account of the person who was killed in his guise. This was at the time of committing the trespass; and if it were at a time different from that of committing the trespass, and if the stolen property<sup>c</sup> was found in his possession,<sup>d</sup> he is considered as a thief at the time of committing the trespass, and the fine shall be according to the intention that was brought to him, whether intention of killing or intention of arresting.

<sup>c</sup> Ir. *Theft.*  
<sup>d</sup> Ir. *Hand.*



THE BOOK OF AICILL. can cranócur. Mara mo cuit in memair, iṛ cranócur etairru.

Ca deitbir etairru rin ocur in bail ata: in ti dia mbi caime in cethra, iṛ é inepen ní ar dia paile. Itir lanamain ata in ret ant rin, ocur ar comluga lanamnair etairru ino ti dib dana teirce in cenele inoile rin in eiric uat ar cen cranócur. Sunn imurpo itir cenn ocur memair ata in ret ant; ocur dforuairli ata don éino, cemat mo cuit in memair iṛin ret na cuit in éino, iṛ cranócur etairru. No mara cutrúma a cuit mar aen, in eiric on éino ar can cranócur.

#### Ogúileṛ caé nanreétair.

C. 1649. 1. rlan in gataide do marbat can plainuio can aithe, can caemaectu artaide in uair denma na fogla; ocur plan caé duine marbétair in a riét. [Ma ta caomaectain farcaigéti, iṛ go trian nupana iṛ rlan e buoem, ocur lan riad iṛin ti po marbat in a riét.] Inoiteam artaiti pucato éuici ann rin; no mara inoiteam marbétair pucato éuici, ma po bi caemaectu artaite cen co roibi, iṛ co trian iṛlan he buoem, ocur lan riad no leé riad iṛin ti po marbat in a riét.

In uair denma na fogla rin; ocur ma reétair uair denma na fogla, éio pun marbétair éio pun artaiti, iṛ co trian nupana iṛlan he buoem, ocur leé riad iṛin ti po marbat in a riét. In uair denma na fogla rin; ocur ma reétair uair denma na fogla, aét ma tarar gait in a laiñ, iṛ amuil gataio he in uair denma na fogla, po aicneo in inoiteim pucato cuici, éio inoiteim marbétair éio inoiteim artaiti.

<sup>1</sup> Lots are to be cast between them.—O'D. 2003 and C. 1654 add two paragraphs here, which appear to be out of place.

<sup>2</sup> On account of every person killed in his guise. The Irish words translated "in his guise," do not imply a third party supposed to have been the thief, but the thief himself not taken in the fact but believed by the slayer to have committed the theft.



mitting the THE BOOK  
OF  
AICILL.  
and in his Ir. Theft.  
arrest him, Ir. Hand.  
one is pay-

session,<sup>b</sup>  
-fine for  
sion<sup>b</sup> and  
injury to  
pays the

possession  
fine for  
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The life of every man is fully forfeited.  
That is, if a man is killed by another man, who is  
not known, then the law says of arresting him at the \* h. Writ-  
ing of arresting the trespasser and the trespasser is exempt  
on account of every person killed in his guise. If there  
is power to arrest him, he is exempt as far as one-third  
of the value of the man himself, and there  
is full fine on account of the person killed in his guise. It  
was his (the trespasser's) intention to kill him, in that \* Ir. Inten-  
tion of  
arresting  
him was  
brought to  
him.  
case; or if it had been his intention to kill him, whether  
he were able to arrest him or not, he is exempt as far as  
one-third on account of the man himself, but he pays full  
fine or half fine on account of the person killed in his guise.

This was at the time of committing the trespass; but if it  
were at a time different from that of committing the trespass,  
whether he intended to kill him or to arrest him, he is  
exempt as far as one-third of the value on account of the  
man himself, but there is full fine due on account of the  
person who was killed in his guise. This was at the time of  
committing the trespass; and if it were at a time different  
from that of committing the trespass, and if the stolen  
property was found in his possession, he is considered as a  
thief at the time of committing the trespass, and the fine  
shall be according to the intention that was brought to him,  
whether intention of killing or intention of arresting.

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ACHILL.  
—

Μαγα ρεῖταρ uair denma na poḡla, ocur ní tarpar gait  
in a laim, eio pun marbtha eio pun artaiti pucato éuici, ir  
co tpuan ir'lan he, ocur lan ríac' irin ti po marbað na  
ruēt.

Μα ταρυρ γαιτ in a laim, ir comarougað itir tpu na  
gaiti taruy in a laim ocur in da tpuan coirproui uil ino;  
ocur eio be tui ac a mbe imarcpaito icato pe cheile.

Μηα ταρυρ γαιτ in a laim, ir comarougað itir ríac'  
maigne no imrait[ne] na gaiti ocur in da tpuan coirp-  
roui; ocur eio be tui ac a mbe in imarcpaito icato pe  
cheile.

Μα ταρυρ anum anto buðein, a imoenum do in gait rui a  
tainie, ocur comarougað itir ríac' maigne no imrait[ne]  
na gaiti rui i tainie, ocur in da tpuan coirproui uil ino-  
rium; ocur eio be tui ac a mbe in imarcpaito icato pe  
cheile.

Μαα ταρυρ anum anto buðein, act ma ta per comḡnima  
aici, a imoenum do in gait rui i tainie; ocur comarougað  
itir ríach maigne no imrait[ne] na gaiti rui i tainie, ocur  
in da tpuan coirproui uil ann; ocur eio be tui ac a mbe in  
imarcpaito icato pe cheile.

- C. 1650. Μαα uil per comḡnima aici itir, [ocur no taruyr anum  
anto buðein], cranócu do cur etarpu co rertar in gait  
C. 1650. rui i tainie; ocur [o po rertar], comarougað itir ríac'  
C. 1650. maigne no imrait[ne] na gaiti do poðair air, ocur in da  
tpuan coirproui uil inorium; ocur eio be tui ac a mbe in  
imarcpaito icato pe cheile.

Μα ρε rrecra in gatoue co na paçato ir in baile a raipe,

<sup>1</sup> *Has the excess.* That is, has incurred the greater fines.

<sup>2</sup> *From.* For 'ir' of the text, C. 1650, reads 'rech,' beyond.

If it were at a time different from that of committing the trespass, and *if* the stolen property<sup>a</sup> was not found in his possession,<sup>b</sup> whether he intended to kill him or to arrest him, it is as far as one-third he is exempt, but the full fine *is payable* for the person killed in his guise.

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<sup>a</sup> Ir. Theft.

<sup>b</sup> Ir. Hand.

If the stolen property<sup>a</sup> has been found in his possession,<sup>b</sup> there is a balance to be struck between the 'dire'-fine for the stolen property<sup>a</sup> which was found in his possession<sup>b</sup> and the two-thirds of body-fine which is *due* for it (*the injury to the thief*); and whichever of them has the excess<sup>1</sup> pays the *difference* to the other.

If the stolen property<sup>a</sup> has not been found in his possession,<sup>b</sup> there is a balance to be struck between the fine for precinct or the intention of stealing, and the two-thirds of body-fine; and whichever of them has the excess pays the *difference* to the other.

If he has himself been found still alive, he shall prove the *particular* theft for which he came, and a balance shall be struck between the fine for precinct or the intention of the theft for which he came, and the two-thirds of body-fine which is *payable* to him; and whichever of them has the excess pays the *difference* to the other.

If he has not been himself found alive, but if he has an accomplice, he (*the latter*) is to prove the *particular* theft for which he had come; and a balance shall be struck between the fine for precinct or the intention of the theft for which he came, and the two-thirds of body-fine which is *payable* for it; and whichever of them has the excess pays the *difference* to the other.

If he has not an accomplice, and was not himself found alive, lots shall be cast between them that the theft for which he had come may be known; and when it is known, a balance shall be struck between the fine for precinct or the intention of the theft which has fallen on him *by lot*, and the two-thirds of the body-fine which is *due* to him; and whichever of them has the excess pays the *difference* to the other.

If it be the answer of the thief that he would not have gone from<sup>2</sup> the place where he was, he has to prove that he

THE BOOK OF AICHL. *ἵρ α ἰμθενυμ το co na pačato ar in baile i poibi, ocyr da tpuan coirpoyu tic ino.*

Μάρ ε α ppepa co na pačato peoč in clač no peoč in copait ἵρ nepa to, α ἰμθενυμ don ti poibi ina dežait co na poibe caemačta artaiči aiei; ocyr plan can nī ino, uair achc eitγio to poine.

ἵρ το ἵρλάν in γαταιθε το μαρβατο, don tuine pop a tainic to γαιτ, no oλιγερ ειpic ἵρ in ηγαιτ.

Μάρ ε in tuine pop na tainic to γαιτ, no na oλιγo ειpic ἵρ in ηγαιτ, ἵρ lan coirpoye in α μαρβαč, ce beič caemačtu artaiči cen co be. No, cumato tplan to cač tuine a μαρβατο, O'D. 2001. *ἵρ tuine pop a tainic [to γαιτ], ocyr tuine pop na tainic.*

ἵρ ant ἵρlan tuine to μαρβατο α pιčt in γαταιθε, in tan atcer he ac γαιτ na pet, no ppič a pλιčt na haioyrbe tap α ειηe.

Muna pacap he α γαιτ na pet, no mana ppič pλιčt na aioyrbe tap α ειp, ἵρ lan coirpoyu in α μαρβατο, ce beič caemačtu α artaiči cen co poibi.

In tuine tainic tpepčain cneyoi pop corp, plan α μαρβατο cen αιne cen tploinoti, cen caemačtu artaiči in uair denma na pogla, ocyr plan cač aen μαρbταp in α pιčt. Μα τα caemačtu artaiči, ἵρ co tpuan ἵρlan he buoein, ocyr leč pιαč ἵρ in ti po μαρβαč. Inoiečem artaiči pucato čuici ant p in, ocyr map inoiečem μαρbča, ce be cen co be caemačtu artaiči, ἵρ co tpuan ἵρlan he buoein, ocyr leč pιαč ἵρ in ti po μαρβατο in α pιčt.

In uair denma na pogla p in; ocyr map pečtap uair

<sup>1</sup> For it was but 'eigid'-trespass he committed. For the Irish of this, C. 1651, reads "ἵρ ac teiche no bui, it was running away he was."



would not have gone from the place in which he was, and THE BOOK OF AICILL. if he does so, two-thirds of body-fine are to be paid for it (the charge).

If it be his answer that he would not have gone beyond the fence or beyond the stone wall nearest to him, it is to be proved by the person who was pursuing<sup>a</sup> him that he had not the power of arresting him; and *he is* free from paying anything for him, because *it was* but "eitgid"-trespass he committed.<sup>1</sup> \*Ir. After.

The person who is exempt from liability for killing the thief is he from whom he came to thieve, or who is entitled to 'eric'-fine for the theft.

If he (*the slayer*) be the person to whom he did not come to thieve, or to whom 'eric'-fine is not due for the theft, full body-fine is *due from him* for killing him, whether there was or was not power to arrest him. Or, *according to others*, it may be lawful for any person to kill him, whether the person to whom he came to thieve, or the person to whom he did not come to thieve.

It is then there is exemption for killing a person in the guise of the thief, when he is seen stealing the 'seds', or when the track of the particular thing *stolen* was found after him.

If he was not seen stealing the 'seds', or if the track of the particular thing *stolen* was not found after him, there shall be *paid* full body-fine for killing him, whether there was or was not power to arrest him.

The person who came to inflict a wound upon the body may be safely killed when unknown and without a name, and when there was not power to arrest him at the time of committing the trespass, and there is exemption for everyone killed in his guise. If there be power to arrest him, there is exemption to *the slayer* as far as one-third for himself (*the man slain*), and there is half fine *due* for the person who was killed *in his guise*. An intention of arresting him was brought to him in that case, but if it had been an intention of killing *him*, whether there was power to arrest or not, he (*the slayer*) is exempt as far as one-third *for the man* himself, but half fine *is due* for the person killed in his guise.

This was at the time of committing the trespass; but if

THE BOOK DENMA NA FOGLA, CIO RUN APTAITI CIO RUN MARBĒA PUCAD DA  
OF  
AICILL. FAIGIO, IY CO TPAN IPLAN HE BODEIN, OCUR LEĒ FIAĊ IYIN TI  
— PO MARIBAD IN A PICT.

CIO FODEPA CO NA FUIL AĊT LEĒ FIAĊ IYIN TI PO MARIBAD A  
O'D. 2002. FIĊT IN [DUINE] TAINIC DPERĊAIN CNEIĎI FOR CORP, OCUR  
CO FUIL LAN FIAĊ IYIN TI PO MARIBAD A FIĊT IN ĠATAIĎI?  
O'D. 2002. IY E FAĊ FODEPA; [Dliġċecu] OCUR FUIIOLY LAIR IN NUGOAR,  
OCUR MO IY IMPAIĊNE DEIĊBIPE LEIR DUINE DO MARIBAD I  
FIĊT IN TI TAINIC DPERĊAIN CNEIĎI FOR CORP, INA DUINE DO  
MARIBAD I FIĊT INTI TAINIC DO ĠAT NA FET.

CIO FODEPA CO FUIL DA TPAN COIRPOIRE IYIN TI TAINIC  
DPERĊAIN CNEIĎI FOR CORP, OCUR CO NA FUIL AĊT LEĒ FIAĊ IY-  
IN TI PO MARIBAD IN A FIĊT? IY E FAĊ FODEPA; FPAĊAIĠIĎ I  
LEIĊ FIYIN CET FER, OCUR IMPAIĊNE I LEĊ FIYIN FER NDIEDENAD;  
OCUR IY E AICNEĎ NA FPAĊAIGE BEIĊ A TPAN, OCUR IY É AICNEĎ  
NA IMPAIĊNE BIĊ A LEĊ.

SEĠAR FIĊT OĊHPYFA UPĠNAITEP.

CIO TPJA COMPAITI CIO TPJA ANFOT, CIO TPJA EPJA CIO  
TPJA INDEIĊBIPE TO[r]BA FERPAITEP NA CNEĎA, IY E AIPET  
PEIĊEP FMAĊT MEĊA CO FUICI LAN COIRPOIRI NA CNEIĎI COM-  
PAITI CONA FERĊAIN TPJA POPAD; UAIY IY COMPAITI IN POLLA-  
UGAD.

DUYPAĎ ATA FMAĊT MEĊA CO COMLAN, OCUR A LEĊ DO DEO-  
PAIĎ, OCUR A CETHPUIMĊI DO MUPĊAIPIĊI; OCUR NOCO NUIL  
FMAĊT MEĊA DO DAEPI, OCUR NOCO NUIL UAD AĊT MANAB DAEPI  
AC A TA IN CUIC PAIĊ CETACH HE; OCUR MAP ED, IY A BEIĊ AMUIL  
IN LUAD MUPĊAIPIĊI IM CETHPUIMĊI DO, OCUR IM CETHPUIMĊI  
UAD.

DUINPAIC DO NI MAIĊ DA ĊOĊĊYR ATA FMAĊT IN MEĊA

<sup>1</sup> *Is to be one-half.* That is, when the person assailed returns the blow, only one-  
third of 'eric' fine is due for killing him; a man who kills another in a mistake  
pays only half 'eric'-fine.

<sup>2</sup> *The consequence of sick maintenance is sued and provided.* There is a good  
deal more of matter which seems to relate to the subject of this article in C. 1655,  
*et seq.*, and C. 1800, *et seq.*, also in O'D. 2003, *et seq.*, but the passages have not

it were at a time different from that of committing the trespass, whether there was brought to him an intention of arresting him or of killing him, he is exempt as far as one-third *on account of the man* himself, but half fine *is due* for the person killed in his guise.

What is the reason that there is but half fine for the person who was killed in the guise of the person who had come to inflict a wound upon the body, and that there is full fine for the person killed in the thief's guise? The reason is; it was deemed by the author *of the law* a more lawful and justifiable and a more pardonable offence<sup>a</sup> to kill a person in the guise of one who came to inflict a wound upon the body, than to kill a person in the guise of one who came to steal the 'seds'.

<sup>a</sup> Ir. A mistake of necessity.

What is the reason that there are two-thirds of body-fine for the person who came to inflict a wound upon the body and that there is but half fine for the person who was killed in his guise? The reason is; *there was* retaliation as regards the former man, and mistake as regards the latter man; and the nature of the retaliation is to be one-third, and the nature of the mistake is to be one-half.<sup>1</sup>

The consequence of sick maintenance is sued *and* provided,<sup>2</sup> &c.

Whether it is intentionally or through inadvertence, whether through idleness or for unnecessary profit the wounds are inflicted, the 'smacht'-fine for failure *of providing sick maintenance* extends to full body-fine for the intentional wound when inflicted in anger; for the negligence is intention.

To a native freeman the 'smacht'-fine for failure is *due* in full, and the half of it to a stranger, and the fourth of it to a foreigner; but there is no 'smacht'-fine for failure *due* to a 'daer'-person, neither is it *due* from him unless he be a 'daer'-person who possesses five raths of hundreds; and if he be, he is to be as the nimble foreigner as regards one-fourth *due* to him, and as regards one-fourth *due* from him.

*It is* to a worthy person who does good with his property that the 'smacht'-fine for failure is *due*, and *also* to an

been translated. They appear also to belong to a different "recension," and could not well be interpolated here.



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ocur veipnnpaie do ni maie va totēur; ocur noco nuil ni  
vinnopae na veipnnpaie na venann maie va totēur; ocur  
noco nuil loḡ othpura aēt in loḡ othpura ip luḡa bogabap  
i libap .i. in cumal, ocur a cethpuimēi uaēab do liaiḡ; na  
teopa cethpuimēi aile, vena peēt panna vi; ceipū panna  
vib vup mama moa a aenap, va panno do biuo, ocur pann  
vup oca tocaib, amail ata o xpaoab peine.

C. 1654.

[Ina cpoligi baiḡ ata in cumal pin, ocur a va trian in a  
cpoligi cumale, a trian in a ininopaiḡ vi peot; ocur cut-  
pupup peipio ino ocur peētmaē co na tabaip pūp vūm-  
porepao ipin ininopaiḡ peēt peoit pech in ininopaiḡ pe  
peoit.]

Al meē tpeoa in cpoli baiḡ, bo mop caē naiōēi co cenn  
nae naiōēe. Al meē vepa, va ba mop caēa tpeipi co  
cenn teopa naiōēe dec co leē aiōēe. Al meē nain, bo mop  
caēa tpeipi co cenn peēt naiōēi piēt.

Al meē tpeoa in cpoli cumale, bo mop caē naiōēi co  
cenn pe naiōēi; a meē vepa, va ba mop caēa tpeipi co  
cenn nae naiōēi. Al meē nain, bo mop caēa tpeipi co cenn  
oēt naiōēi ndec.

Al meē tpeoa in ininopaiḡ pe pet, bo mop caē naiōēi co  
cenn tpi naiōēi; a meē vepa, va ba mop caēa tpeipi co  
cenn ceipū naiōēi co leē aiōēi; a meē nain, bo mop caēa  
tpeipi co cenn nae naiōēi.

Al meē tpeoa i ininopaiḡ peēt pet, bo mop caē naiōēi  
co cenn tpi naiōēi co leē; a meē vepa, va ba mop caēa  
tpeipi co cenn cuic naiōēi co cethpuimēi aiōēi; a meē nain,  
bo mop caēa tpeipi co cenn nae naiōēi co leē.

<sup>1</sup> The man who acts as his nurse-tender.—That is, the man who is employed to lift  
him up and lay him down.

<sup>2</sup> This 'cumhal' is for a death-maim.—Some remarks as to the differences  
between the wounds and maims here referred to may be found in C. 304 (H. 3-18,  
p. 167).



unworthy person who does good with his property; but there is nothing *due* to the worthy or to the unworthy person who does not do good with his property; and there is no allowance for sick maintenance *made to them* except the smallest sick maintenance which is found in a book, viz., the 'cumhal,' and one-fourth of it *is paid* by them to the physician; *as to* the other three-fourths, make of them<sup>a</sup> seven parts; four parts thereof *are given* to the man who supplies his place, two parts *are for* food, and one *goes to* the man who acts as his nurse-tender,<sup>1</sup> as it is from the Feini grades.

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\* Ir. *Of u.*

This 'cumhal' is for his death-maim,<sup>2</sup> and two-thirds of it are for his 'cumhal'-maim, a third of it for a tent-wound of six 'seds'; and a proportion of a sixth or a seventh is to be given for the tent-wound of seven 'seds' more than for the tent-wound of six 'seds'.

For the failure of three things *in case of* a death-maim, *the penalty is* a great cow every night to the end of nine nights. For the failure of two things, *it is* two great cows every third *night* to the end of thirteen nights and a half. For the failure of one thing, *it is* a great cow every third *night* to the end of seven and twenty nights.

For the failure of three things *in case of* a 'cumhal'-maim, *the penalty is* a great cow every night to the end of six nights; for the failure of two things, *it is* two large cows every third *night* to the end of nineteen nights. For the failure of one thing, *it is* a large cow every third *night* to the end of eighteen nights.

For the failure of three things *in the case of* a tent-wound of six 'seds', *the penalty is* a great cow every night to the end of three nights; for the failure of two things, *it is* two great cows every third *night* to the end of four nights and a half night; for the failure of one thing, *it is* a great cow every third *night* to the end of nine nights.

For the failure of three things *in the case of* a tent-wound of seven 'seds', *the penalty is* a great cow every night till the end of three nights and a half; for the failure of two things, *it is* two great cows every third *night* to the end of five nights and a fourth of a night; for the failure of one thing, *it is* a great cow every third *night* to the end of nine nights and a half.

THE BOOK OF AICILL. C. 1658. Smaċt meċa ro anuar; ocur log na tincirín ro rir: da feċt cumal epoliġi caċ ruġ, ocur caċ erpuic, [ocur each ruā, ocur each ollaman, ocur each aipeinwiġ, ocur in aipech forġaill ir feapir] co na comġraduib.

C. 1658. Seċt cumala co leċ epoli caċ aipech aipw ocur caich ber aipw, in taire forġaill medonaċ, no in taire forġaill ir taire; ceiċri cumala [epoliġe] cae aipeċ deġa ocur tuiŋi; teoŋa cumala epoliġi caċ boaipeċ ocur caċ ocaipeċ; da cumail epoli caċ fir mōbbaċ; cumal epoli caċ pŋercaċ ocur caċ moġa tair.

Log a mbw ocur a leġa rin, ocur a fir mama moċ, ocur a fir ocaib tocaib i tincirín.

In da feċt cumala adubrumar o cianuib, ben ŋe ba wib inoŋa ar wiċell leġa no ar accobair rairi; ocur noco wiċell wō lias i baŋ ar na wliġiċ ní cen co beirw m ar. Atair oċt mba wec ŋo wō acur annirín; tabair oċt mba wec wib wŋir mama moċ a aenur; atair oċt mba wēc aile acur anoŋein; tabair iat ŋein wō liaiġ ocur wŋir ocaib tocaib, ocur wō biú; conarw ceiċri ba ocur ramairc cuir eēctair wē, ocur nae mba wō biurw a aenur.

Na ŋe ba ŋo benair ar o cianuib ar wiċell leġa no ar accobair rairi, wena feċt ranna wib anoŋa, ceiċri ranna wŋir mama moċ, ocur wā rairi wō biurw, ocur rann wŋir ocaib tocaib.

Cio ŋoŋera ceiċri feċtmair wŋir mama moċ anoŋa, ocur na ŋoibi aċt leċ wō o cianuib? Ir e ŋaċ ŋoŋera; liaiġ acur im a comŋairw o cianuib, ocur nō uil anoŋa; aċt in tairnŋairi i ŋoibi i leiċ ŋir o cianuib ir eo atā anoŋa, ocur in tairn[m]ŋairi a ŋoibi ŋer ocaib tocaib o cianuib i cethŋuimēi ir eo atā anoŋa.

<sup>1</sup> For concealment from the physician. What was the nature of the concealment, or fraud attempted to be practised on the physician, it is impossible to define.

The above are the 'smacht'-fines for failure; and the following are the allowances for attendance:—twice seven 'cumhals' for the maim of every king, and every bishop, and every professor, and every chief poet, and every 'airchin-nech'-person, and every best 'aire-forgill' chief, and for every one who is of the same grade with them.\*

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\* Ir. With  
their co-  
grades.

Seven 'cumhals' *are allowed* for the maim of every 'aire-ard'-chief and of everyone who is higher, *i.e.*, the middle 'aire-forgill'-chief, or the lower 'aire-forgill'-chief; four 'cumhals' for the maim of every 'aire-desa'-chief and 'aire-tuise'-chief; three 'cumhals' for the maim of every 'bo-aire'-chief and every 'og-aire'-chief; two 'cumhals' for the maim of every 'fer-midbaidh'-person; a 'cumhal' for the maim of every 'flescach'-person and every 'daer'-workman.

These *are* the allowances for food and a physician, and for a substitute, and for a man to act as nurse-tender.

From the twice seven 'cumhals' which we mentioned a while ago, take now six cows for concealment from the physician<sup>1</sup> or for facility of division; (and it is no concealment from the physician, where he is entitled to nothing, that he should get nothing out of it). You have then twice eighteen cows: give eighteen cows of them to the substitute alone; you have then eighteen other cows *remaining*: divide these among<sup>b</sup> the physician, the nurse-tender, and the *procuring* of food; so that four cows and a 'samhaise'-heifer is the share of each of them, and nine cows *are* for food alone.

<sup>b</sup> Ir. Give  
these to.

Of the six cows which you deducted a while ago for concealment from the physician or for facility of division, make now seven divisions, four divisions for the substitute, and two divisions for food, and one division for the nurse-tender.

What is the reason *that* four sevenths *are due* to the substitute here, while he had but one-half in the former case?<sup>c</sup> The reason is; you had the physician in equal shares with him in the former case, and here he is not *so*; but the proportion which was *allowed* for him in the former case<sup>c</sup> is that which is *allowed* here, and the proportion which the nurse-tender had in the former case<sup>c</sup> in a fourth is that which he has here.

<sup>c</sup> Ir. A  
while ago.



THE BOOK OF ARCTUR.  
C. 1880. Re օրօրօր տօմաւեր ցւտից Լեջա օ րիցան օո նա օոմ-  
ցրօան, օօր օօ ցրօան փլաթ, օօր օօ Լօջ օթրօր Իօտար.  
Շիօ Եօ յիօ Իր Լիջա, օրօրօր նա օնօր նա Լօջ օթրօր, Իր  
յար տօմաւեր օ ցրօան փօնօ, օօր օօ Լօջ Ին օթրօր [Իօտար]  
Րօ Եւօ Լեթ, րօ Եւօ Երան, րօ Եւօ օթրօրմէ.

Շիտից Լեջա օրօր րօ րի; րօ Եւօ Լեթ օ րիցան օո նա օոմ-  
ցրօան, րօ Եւ Երան օ ցրօան փլաթ, րօ Եւ օթրօրմէ օ  
ցրօան փօնօ.

Շօթր Եւ օօր րաճար ցւտից Լեջա օ օրօրի Եւր, օ  
րիցան օո նա օոմցրօան; Եր Եւ օ օրօր օւմալօ, Եւ օօր  
րաճար օ Ինանրից րօ րօ, Եւ օօր օթ րօրօր Եւ օ  
Ինանրից րօթ րօ.

Եր Եւ ցւտից Լեջա օ օրօրի Եւր, օ ցրօան փլաթ; Եւ  
Եւ օ օրօր օւմալօ, Եւ օ Ինանրից րօ րօ, Եւ օօր  
Եւր օթր րօրօր օ Ինանրից րօթ րօ.

Եւ Եւ օօր օլրաթ րօ րօրօր ցւտից Լեջա օ օրօր Եւր,  
օ Եւրօթալ օօր օ օթրօթալ; Եւ օօր րաճար օ օր-  
օր օւմալօ, օթ րօրօր Եւ օ Ինանրից րօ րօ, րօր-  
օր օր փիօթ օ Ինանրից րօթ րօ.

Եւ օօր րաճար ցւտից Լեջա օ օրօրի Եւր, օ րօրօր  
միօթալ; Եւ օ օրօր օւմալօ, Եւ րօրօր Եւ օ Ինան-  
րից րօ րօ, օթր րօրօր Եւ օ Ինանրից րօթ րօ.

Օթ րօրօր Եւ ցւտից Լեջա օ օրօրի Եւր, օ րօրօր  
օօր օ մօցան Եւր; օօր Եւ րօրօր Եւ օ օրօր օւմալօ,  
րօ րօրօր օ Ինանրից րօ րօ, րօթ րօրօր օ Ինանրից  
րօթ րօ.

Շիօ րօթր րաթ մեթա րօթա օր, օօր Եւրօր օթ-  
րօ? Իր օ րաթ րօթր; Շիօ մօր օ րօթալ ցալօթր օ



According to body-fine is calculated the physician's share THE BOOK OF AICILL. from kings and their co-grades, and from the chieftain grades, and it is paid out of the allowance for sick maintenance. Whichever of them is smaller, the body-fine for the wound or the allowance for sick maintenance, it is thereby it is calculated what the 'Feini' grades pay,\* and it is paid out of the allowance for sick maintenance. It may be one-half, it may be one-third, it may be one-fourth.

\* Ir. From the 'Feini' grades.

The physician's share from these following; it is one-half from kings and their co-grades, it is one-third from chieftain grades, and it is one-fourth from 'Feini' grades.

Four cows and a 'samhaisc'-heifer is the share of the physician for a death-maim, from kings and their co-grades; three cows for a 'cumhal'-maim, a cow and a 'samhaisc'-heifer for a tent-wound of six 'seds,' a cow and eighteen 'screpalls' for a tent-wound of seven 'seds.'

Three cows is the share of the physician for a death-maim, from the chieftain grades; two cows for a 'cumhal'-maim, a cow for a tent-wound of six 'seds,' a cow and a 'dairt'-heifer *of the value* of four 'screpalls' for a tent-wound of seven 'seds.'

Two cows and a 'colpach'-heifer *of the value* of six 'screpalls' is the physician's share for a death-maim, from 'bo-aire'-chiefs and 'ogaire'-chiefs; a cow and a 'samhaisc'-heifer for a 'cumhal'-maim, eighteen 'screpalls' for a tent-wound of six 'seds,' twenty-one 'screpalls' for a tent-wound of seven 'seds.'

A cow and a 'samhaisc'-heifer is the physician's share for a death-maim from 'fer-midbaidh'-persons; a cow for a 'cumhal'-maim, twelve 'screpalls' for a tent-wound of six 'seds,' fourteen 'screpalls' for a tent-wound of seven 'seds.'

Eighteen 'screpalls' is the physician's share for a death-wound from 'flescach'-persons and from 'daer'-workmen; and twelve 'screpalls' from a 'cumhal'-maim, six 'screpalls' for a tent-wound of six 'seds,' seven 'screpalls' for a tent-wound of seven 'seds.'

What is the reason that the 'smacht'-fine for failure is triple, and the attendance quadruple? The reason is; however great may be the *number of* 'seds' stolen from a

THE BOOK OF AICILL. DUIÑE IN AENAËT, NOCO NUIL AËT LÁN DUIN OCUR LEË DUINE OCUR  
TRIAN DUIN A TRI CET PETAILB DIB, OCUR CEPET AITHGIN CAËA  
PEOIT O ËA RIN AMAË; OCUR IR AMLAËD RIN ATA; CIA BEIË AIR-  
NAILE IMOTA I TINCIURIN, NOCO NUIL RMAËT MEËA AËT A TRI  
EPNAILIB DIB.

CID POTEPRA PER MAMA MOT DO BEË I LEË PE TINCIURIN, OCUR NAË MO NA MEË BID NA LEËA? IR E PAË POTEPRA; CE NA SATANGËA DA CLEIËI O DUINE I NAENAËT, CLEIËI BEC OCUR CLEIËI MOR, CEMAT MO PE HIC NAITHGINA IN CLEIËI MOR, NI MO PE IC RMAËTA NA ENECLEINNI INA IN CLEIËI BEC. IR AMLAËD RIN ATA PER MAMA MOT; CEMAT MO INA TINCIURIN, NOCO MO IN A MEË INA MEË BID NO LEËA NO RIN OCA TOCAIB.

#### Cach riachac dogo.

1. IR LAIR IN TI RIAËANGHER ANN A POËA DO PE PER PETANA NA CNEIËI, IN E PEAP OCAIB TOCAIB DO BERA, NO IN NE A LOG; OCUR IR É RIN AEN INAT ATA A POËA DO.

- C. 1664. [1]R BOIND DO DINGBAIL. IR BOIND AP NA DINGABAR. OBAINPEA MO DINGBAIL, AP IN PER AMUË, .I. AP IN PER FOR AP PERAT IN CNEO. OBAINPEA CUN NA DINGEBA, AP IN PER TALL NO PERURTAH H1.
- C. 1664. "DUPENAITER TRIAN DUIN [.I.] ÉIRNITER [TRIAN] NENECLEINNI AND AP IN CET AIDËI, OCUR BO DO RMAËT.
- GRAT RIN NO DLËË A BREIË AMAË FOR POLAË NOTHPURA, OCUR ANUNH [GO NUIGI A ËEË] TAPGUR DO A TINCIURIN, OCUR MEIRTI DO A TAIPCIRIN; BO DO RMAËT ANN AP IN CET AIDËI, OCUR TRIAN NENECLEINNI; OCUR IN TAINMPAINTO PEIËER [DO RMAËT MEËA] DOPUM AP CACH NAIDËI O RIN AMAË, COPOB E IN TAINMPAINTO RIN PEIËER DO DA TREINIB NA HENECLEINNI.
- C. 1809.
- C. 1809.

<sup>1</sup> The person on whom he has inflicted the wound.—For the reading in the text which appears to mean, "the person who inflicted the wound," Dr. O'Donovan conjectured, "per for ap perat in cneo," as seemingly required by the sense.

<sup>2</sup> I give you notice to keep off. This part of the article is given somewhat differently in C. 1664, and C. 1809. It seems to consist of glossed fragments.

person at the same time, there is only full 'dire'-fine and half 'dire'-fine and one-third of 'dire'-fine *due* for the three first 'seds' of them, and just compensation for every 'sed' from that out; and it is the same *with respect to attendance*; though there are many divisions of attendance, there is no 'smacht'-fine for failure except in three divisions of them.

What is the reason that the substitute is *calculated* at one-half as to attendance, and *that* there is no more *due for failure as regards him* than for failure as regards food or a physician? The reason is; though two animals should be stolen from a person at the same time, a small animal and a large animal, though there is more to be paid as compensation for the large animal,<sup>a</sup> there is not more to be paid as 'smacht'-fine or honor-price than for the small animal. It is thus *it is as regards* the substitute; though more *is allowed* for his attendance, there is not more for failure as regards him<sup>b</sup> than for failure as regards the food or the physician or the nurse-tender.

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<sup>a</sup> Ir. *Though the large animal be greater, as to paying compensation.*  
<sup>b</sup> Ir. *His failure.*

Every defendant<sup>c</sup> has his choice.

<sup>c</sup> Ir. *Debtor.*

That is, the person who is sued in the case has his choice with respect to the person on whom he has inflicted the wound,<sup>1</sup> whether he will give him a nurse-tender, or the price of one; and this is the only instance in which he has his choice.

"I give you notice to keep off."<sup>2</sup> "I insist I will not be kept off." "I refuse to be kept off," says the man outside, *i.e.* says the man on whom the wound was inflicted. "I refuse that you be not kept off," says the man within who inflicted it.

One-third fine is paid, *i.e.*, one-third of honor-price is paid for it the first night, and a cow as 'smacht'-fine.

This is *one of* a grade who was entitled to be carried out into sick-maintenance, and it was over at his *own* house he was offered to be attended, and this offer was of disadvantage to him; there is a cow as 'smacht'-fine for it for the first night, and one-third of honor-price; and the proportion of 'smacht'-fine for failure which runs for him for every night from that out, is the proportion which runs for him of the *other* two-thirds of the honor-price.



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No dono, cena, na bu meirici a tairerim do itir. Cret po  
deiridein? Innotraiz pe ret po ferat ant, ocuy meč  
treša uil ann; bo do rmačt ant ar in cet aicči, ocuy trian  
tun neneclainni, ocuy in tainmpainni peičer do da tréimib  
in tun neneclainni.

Điri let diru do fine; no polac o fine po ric hrur  
ciđ upcailte.

.1. diru i let ineč ir dir do biá ocuy do liaiz, ir ar eir-  
mčer a čuit don fir fine ir per ocaib tocaib.

C. 1665. [No polac o fine po rich hrur ciđ upcailti.

.1. no a pulanz o fine in tí po ruáčtnaigerar pur,  
ciamao gpat buđ upcailti uma breič amač e por polac noč-  
pura; ocuy ir e rin don inat ata a poža diru peršana na  
cneše in a loigidečt diru ocaib tocaib do bepa, no in per  
ocaib tocaib uat buđein.]

O bur tre compaiti, no tre anpot periz inoiečbiru per-  
raithep na cneša, ir cutpuma ata log na tincirin o cač  
uine uile itir raep ocuy daep, ciđ i torbač ciđ i nerbač;  
ocuy o na raepaib tri anpot periz deiečbiru i torbač ocuy  
O'D. 2379. i nerbač; ocuy o na raepaib [uile] tria anpot cen periz i  
torbač; ocuy o uprač tria na epa i nerbač; ocuy o  
uprao i torbač tria inoiečbiru torba.

C. 1662. [Cret biar ó daoraib i nanpot perize dečbiru? .1. pečt-  
mao ocuy cutpumar pečtmao let diru na cneše co bar i

<sup>1</sup> *Idler*; "epbac" seems to mean a mere gazer or looker-on, who had no business  
at the place.



Or else, indeed, *according to others, this is the case*, when the offer is of no disadvantage to him at all. What then? *It was a tent-wound of six 'seds' that was inflicted in the case, and there is a failure of three things therein: a cow for 'smacht'-fine is paid for it on the first night, and a third of the third of honor-price, and the proportion which runs for him of the two-thirds of the third of honor-price.*

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'Dire'-fine of half 'dire'-fine to the family; or support from the family who injured him though prohibited.

That is, it is out of the 'dire'-fine respecting what is due for food, and to the physician, that his share is paid to the man of the family who acts<sup>a</sup> as nurse-tender.

\* Ir. Is.

Or support from the family who injured him though prohibited.

That is, or he is to be supported by the family of the person who attacked him, though he may be of a grade which it is prohibited to bring out into sick maintenance; and this is the only instance in which the person who inflicts a wound has his choice whether he will give the price of the nurse-tender, or whether a nurse-tender *shall be given* by himself.

When it is intentionally, or inadvertently in unlawful anger the wounds are inflicted, the allowance for attendance is the same from each and every person both free and bond, whether for a profitable worker or for an idler; and *it is the same* from the freemen *for wounds inflicted* inadvertently in lawful anger upon profitable workers and idlers; and from all the freemen *for those inflicted* inadvertently without anger upon profitable workers; and from a native-freeman *for wounds inflicted upon* an idler *who was present* in idleness; and from a native freeman *for wounds inflicted upon* a profitable worker in a case of unnecessary profit.

What shall be *due* from 'daer'-persons for wounding inadvertently in lawful anger? i.e. a seventh, and a portion equal to the seventh of half 'dire'-fine for the wound to death in



the case of<sup>a</sup> a profitable worker and an idler; four-sevenths of compensation for either after death, whether for a profitable worker or an idler; for there is no difference of profitable worker or idler any time when there is anger, only there is less for the lawful anger than for the unlawful anger.

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\*Ir. For.

What shall be *due* from 'daer'-persons, *in case of wounds inflicted* inadvertently without lawful anger, for profitable workers and idlers? A seventh of sick-maintenance till death, a seventh and the equivalent of a seventh of the seventh of half 'dire'-fine, (and it is in sick-maintenance it increases for a profitable worker more than for an idler); four-sevenths of compensation after death for either of them, whether for a profitable worker or for an idler.

Full sick-maintenance *is due* from a native freeman for an idler *injured* through his idleness; three-fourths of sick-maintenance<sup>1</sup> from a stranger for an idler *injured* through his idleness; two-sevenths and the one-fourteenth of sick-maintenance from a foreigner for an idler *injured* through his idleness. *There is* one-seventh and a portion equal to one-seventh of half 'dire'-fine for the wound till death for a profitable worker more than for an idler, (and it was in sick-maintenance it was increased); four-sevenths<sup>2</sup> of compensation after death for either a profitable worker or an idler.

Full sick-maintenance *is due* from a native-freeman for a profitable worker *injured* for unnecessary profit,<sup>3</sup> and half sick-maintenance from him for an idler; four-sevenths of sick-maintenance from a stranger for a profitable worker *injured* for unnecessary profit; two-sevenths from him for the idler; two-sevenths and one-fourteenth from a foreigner for a profitable worker *injured* for unnecessary profit; one-seventh and one-twenty-eighth *are due* from him for the idler.

One-seventh of sick maintenance *is due* from a 'daer'-person for a profitable worker *injured* for unnecessary profit. The fourteenth part *is to be paid* by him for an idler *injured*; or else, *according to others*, the proportion which *is paid* for an idler *injured* in idleness *is what*



THE BOOK OF AICILL. τρία ἰνδεῖβιρ τορβατ; ocur in eutpuma biar i toprbat  
τρία ἰνδεῖβιρ τορβα, supab e a leṣ ber i neppaḗ τρία  
ἰνδεῖβιρ τορβα.]

Ni gona cimio manub lat.

.1. in cimio iṣ oileḗ biar. Slan don ti i paibe laim he a marbat; ocur plan don ti po cunḡain leir, mana coem-nacair in ti i poibi he a marbat; ocur ma conic, iṣ piaeḗ biar ecoir on ti po cunḡain leir; iṣ a bpeiḗ rin ḡrine in cimioa.

Maṣ necmair in ti i paib i laim he po marb neḗ aile he cen deoin do, iṣ leṣ enecclann dic ririn ti i poib i laim he, ocur leṣ enecclann ocur leṣ coirpḡoiru dic do pe fine in cimioa; no dono, comat plan i leṣ rirum he, ḡaḡ iṣ rin aigeo po bail ḡorum tucato air, in marbat.

Máṣ a ngell pe piaeḗab po bi he, aḗt maṣ e in ti a poib i laim he do marb he, iṣ coirpḡoiru ocur enecclann dic do pe fine, ocur na peiḗ rin poibi dic ḡa fine; no maṣ perr Leo can ní doib ocur can ní uaḗib, iṣ Leo a poḡa.

Ma po cunḡain neḗ aile leir aca marbat, iṣ coirpḡoiru  
C. 1667. ocur enecclann dic [pe fine] ḡoib maṣ aen a cuibḡoiru, no o ceḗtar de i necuibḡoiru, ocur na peiḗ rin poibi dic ḡa fine; no maṣ perr Leo can ní doib ocur can ní uaḗib, iṣ Leo a poḡa. Ocur in eutpuma po icḡat in ti po cunḡain leir pe fine in cimioa, iṣ a ic do ririn ti i poib i laim he.

Maṣ i necmair in ti i poib i laim he, po marb neaḗ aile  
C. 1667. he can deonugato, [coirpḡoiru ocur] enecclann dic do ririn ti i paibi laim he, ocur coirpḡoiru ocur enecclann dic do pe fine in cimioa; ocur na peiḗ rin poibi dic don fine; ocur



shall be *paid* for a profitable worker injured in a case of unnecessary profit; and of the proportion which is *due* for a profitable worker in a case of unnecessary profit, the half shall be *due* for the idler injured in a case of unnecessary profit.

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Thou shalt not kill a captive unless he be thine.

That is, the captive who is condemned to death. It is lawful for the person who had him in custody<sup>a</sup> to kill him; <sup>a</sup>*Ir. Hand.* and the person who assisted him is exempt, if the person in whose custody he was, were not able to kill him; but if he was, fine for an unjust death is *due* from the person who assisted him; this is obtained by the family of the captive.

If it was in the absence of the person in whose custody he was, and without his leave, another person killed him, he (*the slayer*) shall pay half honor-price to him in whose custody he was, and shall pay half honor-price and half body-fine to the family of the captive; or indeed, *according to others*, he may be exempt on account of him, for it is the fate intended for him that was brought on him, *viz.*, death.

If it was in pledge for debts he was *in custody*, and if it was the person who had him in custody that killed him, he has to pay body-fine and honor-price to his family, and the debts for which he had been *in custody* are to be paid by his family; or if they prefer to get nothing and pay nothing,<sup>b</sup> they have their choice.

<sup>b</sup>*Ir. Nothing to them and nothing from them.*

If another person assisted him in killing him, body-fine and honor-price are to be paid by them both conjointly or by each separately to his family, and the debts for which he had been *in custody* are to be paid by his family; or if they prefer to get nothing and pay nothing,<sup>b</sup> they have their choice. And the part which the person who assisted should pay to the family of the captive is to be paid by him to the person with whom he (*the person slain*) had been in custody.

If it was in the absence of the person by whom he was kept in custody, and without leave from him, another killed him, he (*the slayer*) shall pay body-fine and honor-price to the person in whose custody he had been, and shall pay body-fine and honor-price to the family of the captive; and the debts for which he had been *in custody* are to be paid by

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mao perra Leo can ní doib ocuy can ní uaib, yr Leo a poža.  
Ocuŕ cač ní po icpaŕ in ti po mapb he pe fine, yr a ic do  
purrin ti i poib i laim he; ocuy yr cetpaŕo, cio mo in ni  
purr mbeč he, comao a ic doŕum, uair yr e puc a žell uao;  
ocuy in eutpuma po icpaŕ in duine ut imač pe fine, yr a ic  
uaoŕom anora.

No puatach po tairurin.

.1. Slan in ternač do gabail aenačt cacha bliatna pe  
deičbiruŕ, ocuy ŕa ngaba in pečt tanairti, yr enecclann,  
ocuy ŕa ngaba in tner pečt, yr enecclann ocuy ŕiri ocuy  
aichgin. Ocuy ŕamaŕ pe indeičbiruŕ do gabao po cetoir  
he, do biač ŕiač eirruž indeičbiru uao, .i. [enecclann] ŕiri  
ocuy aichgin.

C. 1668.

[Slan] a gabail do cept točur in ŕir fine, ocuy ni ŕuil  
ŕein ina cept točur; no ŕoprepaŕo točura in ŕir fine ocuy  
ni ŕuil ŕein ina roprepaŕo točura.

C. 1669.

Má po gaburtaŕum do cept [t]očur in ŕir fine, ocuy  
ata ŕein ina cept [t]očur, no ŕoprepaŕo točura in ŕir fine,  
ocuy ata ŕein ina roprepaŕo točura, yr ŕiač eirruž indeičbiru  
uao.

Yr e aŕet yr lan [in tairnech] a gabail co ruici tŕian  
lož enech in žraio ŕia ngabar he, no in žraio gabur; cio beo  
ŕib buŕ luža, corab e gabar ano, ačt na gaba imar-  
paŕo tairur; ocuy ŕa ngaba, yr ŕiač eirruž indeičbiru,  
[ocuy lan ŕiach žaiti] uao. Ocuy yr ano ata ŕin do  
gabail [co tŕian lož enech], in tan po ŕlečt in eutpuma ŕin  
ŕe, no ni yr mo inar; ocuy maŕa luža ina ŕin in ni po  
ŕlečt ŕe, ocuy ŕa ngaba, yr ŕiač eirruž indeičbiru uao.

C. 1668.

C. 1669.

C. 1669.

<sup>1</sup> It is lawful.—O'D. 1529 has here "can without," which does not make sense.

the family; and if they prefer to get nothing and pay nothing<sup>a</sup> they have their choice. And whatever the person who killed him should pay to the family, he shall pay to the person with whom he had been in custody; and it is the opinion of *lawyers* that, though that for which he had been *in custody* was greater than the 'eric'-fine for killing him, it should be paid by him (*the slayer*), because it was he that took his pledge from him; and the portion which that person should pay out to the family is to be paid by him now.

Or carrying off under compact.

That is, it is lawful in case of necessity to take an additional levy once every year, but if it be taken the second time, honor-price is *due*, and if it be taken the third time, honor-price and 'dire'-fine and an equivalent shall be *paid for it*. And if it had been taken without necessity the first time, there would be *due* for it the fine for an unnecessary exaction, i.e. honor-price 'dire'-fine and restitution.

It is lawful<sup>1</sup> for him to take it from the proper wealth of the family man when<sup>b</sup> he is not himself in *the enjoyment*<sup>b Ir. And.</sup> of his proper wealth; or from the excess of wealth of the family man, when<sup>b</sup> he is not in excess of wealth himself.

If he has taken it from the proper wealth of the family man, when<sup>b</sup> he is himself in *the enjoyment* of his proper wealth, or from the excess of wealth of the family man, himself having excess of wealth, it is a fine for an unnecessary exaction *that is due* from him.

The extent to which there is exemption for taking a forced exaction is to the third of the honor-price of the grade of *the person* from whom it is taken, or of the grade of *the person* who takes it; whichever of them is the smaller is to be taken, but he takes not anything over and above it; and if he takes it, it is the fine for an unnecessary forced exaction, and full fine for theft *that are due* from him. And it is then this is to be taken to *the extent of* a third of honor-price, when so much was due of him, or more than it; and if what was due of him was less than that, and if he takes it (*the forced exaction*), the fine for an unnecessary forced exaction is *due* from him.

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<sup>a</sup> Ir. Nothing to them and nothing from them.

<sup>b</sup> Ir. And.



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Slan a gabail do cuic pep na geilpíne, ocur do taebpíne  
geilpíne, ocur do cáč píne buðein.

Slan a gabail do cúl co poib comlin píne na pečt pep  
noéc ar uo anó, ocur noco olegar a gabail tairp.

Comlin píne na pečt píne rin : ocur rlan a gabail  
do čaib co rna cuic pep iar nimcein rialura pop cáč leč.

C. 1670. [Slan a gabail iar nimchian rialura ar gáč leč, cen co  
poib comlin na pečt pep deš ann do cáč píne ino ti  
buðein.]

Slan a gabail do goipib, ocur do clemnaib, ocur do itib,  
ocur do buimib, ocur do comaltairb, ocur do cairtib  
caemcluča, ocur tairpilluó píne ocur anpíne uile.

C. 1670 [Iř oib iř rlan in teirpeč do gabail, do clemnaib, ocur  
do comaltairb, ocur do combraičpib, ocur do cúl, ocur do  
taib, ocur iar řut, ocur do cuigp na geilpíne, ocur do  
geilpíne taoibpíne, no co rna comlin pečt řip deš iar  
řut ann ; ocur o biar, na geiðeč píne oib ča čeile, áčt  
geiðeč gáč píne ino ti buðeipin, uair geilpíne gáč píne  
ino ti buðeipin, ocur tairpíne gáč píne in te buðein.]

Slan a gabail, čio i naiřio, čio i necmaip, áčt na gabtar  
tar řarpuřao a řiaonairp ; ocur ča řgabtar, iř řiač řeipřuř  
inoiðeipin uao .i. řiač řaiti .i. enecclann ocur řipin ocur  
aitřgin.

<sup>1</sup> The 'taeb-fine'-division.—The MS. E. 3, 5, (O'D. 1530) has here "geilpíne  
ocur do cáč píne," which are not in the corresponding place in C. 1669, and  
which appear to render the passage unmeaning. For some of the divisions of the



It is lawful to take it from the five men of the 'geilfine'-division, and from the 'taebhfine'-division<sup>1</sup> of the 'geil-fine' division, and of every 'fine'-division itself.

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It is lawful to take it from the 'culfine'-division *and the 'taebhfine'-division* until the whole seventeen men of the family are included,<sup>2</sup> but it is not lawful to take it beyond <sup>\* Ir. In it.</sup> that.

That is the number of the family *consisting* of the seven 'fine'-divisions; and it is lawful to take it from the 'taebhfine'-division till it reaches five men in distant relationship on each side.

It is lawful to take it from distant relatives on each side, though the full number of the seventeen men may not be extant of each family-division of the person himself.

It is lawful to take it from gossips, and from sons-in-law, and from foster-fathers, and from foster-mothers, and from foster-brothers, and from mutual friends, and from all the best of the family and the people not of the family.

It is from these persons it is safe to take the forced exaction, *viz.*, from people-in-law, and from foster-brothers, and from *kinsmen* of the 'culfine'-division and 'taebhfine'-division, and to the whole extent of the *seventeen men*, and from the five persons of the 'geilfine'-division, and from the 'geilfine'-division of the 'taebh-fine'-relations, until it reaches the whole seventeen men completely; and when this is *reached*, let not one family of them take from the other, but let each family take the person himself, for the person himself is a 'geilfine'-relation of each family, and the person himself is a 'taibh-fine'-relation of each family.

It is lawful to take it either in a person's presence or in his absence, but so as it is not taken by violence in his presence; and should it be *so* taken, there would be for it a fine for unnecessary forced exaction, i.e. the fine for theft,<sup>2</sup> i.e. honor-price and 'dire'-fine and restitution.

<sup>1</sup> "fine" or family, *vid. supra.* page 330. The word "taebh-fine" means literally "side-family," and the word "cul-fine," means "back-family."

<sup>2</sup> *Fine for theft.*—The words "ḡiác ḡairi" are an underlined gloss on the word "eneclann ocuf tige".

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Cere—cio do gena in ti zebur in terpač? Denao apač  
ocur tropeao, ocur gabaao aethgabail in aethgin co na leč-  
gabai diabulta; ocur each uair aircio in aethgin uao  
aircio in lečgabai diabulta; no dono čena, ce na aircio  
in aethgin uao euna aircio i lečgabai diabulta, uair i  
eipic pogla hi a. dais i eloo do pormačt; ocur i an i  
lan a gabail co tman log eneč, in tan i mo na peič na  
tman log eneč no i eutpuma pui. Mara luga na peič,  
noco teit dar eutpuma puiach.

C. 1670. Mara pet aca ta lačt no gnumao po gabaao iuin epiač,  
iulan in cet cuicet i comloguo [če]; ocur aethgin lačta  
ocur gnumao ap in cuicet tanaipte, co na toračtan pei  
a porba na cuicet iui; ocur mana toipret, ineoč i  
peoit cethapao uib i tairgilli do pui pui ap ta laičib dec;  
ocur ineoč i peoit diabulta, i tairgilli do pui pui ap  
tpeiri, o dečmaio amach.

Mara peoit ac na pui lačt na gnumao po gabaao iuin  
epiač, iulan in cet tpeire uib i comloga, co na toračtan  
pei a porba na tpeiri iui; ocur maine toipret, ineoč i  
peoit cethapao uib, i tairgilli do pui pui ap ta laičib dec  
o dečmaio; ocur ineoč i diabulta uib, i tairgilli do pui  
pui ap tpeiri.

Mara peoit pmačta no eneclainno po gabaao iuin nep-  
rach, i eutpuma tman aethgina do pui leo ap cač laič  
naicenta, corab ap tui laič do poič eutpuma a colla  
lei amach.

Č eutpau i epui, a eneclainno i compit pe tairgille;

<sup>1</sup> One-third of compensation.—For "aethgina" of the text, C. 1672, reads  
"na colla, of the body."

Question—What shall the person do who takes the forced exaction? Let him give notice and fast, and let him take distress for compensation with double half-seizure; and whenever he returns the compensation from him he returns *also* the double half-seizure; or, indeed, *according to others*, when he does not return the compensation he returns not the double half-seizure, for it is 'eric'-fine for trespass, i.e., because it is evasion that increased it; and the case in which it is lawful to take it as far as one-third of honor-price is, when the debts are greater than one-third of honor-price or equal to it. If the debts be less, it does not go beyond the proportion of debts.

If it be animals that have milk or *are capable of* work that were taken in the forced exaction, the first five days of them are free in case of set off; and compensation for the milk and for the work *shall be made* on the second five days, with the return of themselves (*the animals*) at the end of those five days; and if they are not returned, such of them as are quadruple animals shall have additional interest accumulate\* on them for twelve days; and *as regards* such of them as are animals of double, additional interest shall accumulate on them for three days, from ten days forth.

If it be animals which neither have milk nor *are capable of* work that were taken in the forced exaction, the first three days of them are free in case of set off, when they are themselves returned at the end of those three days; but if they be not returned, *as to* such of them as are quadruple animals, additional-interest shall accumulate\* on them for twelve days, from ten days forth; and *as to* such of them as are *animals of* double, additional interest shall accumulate\* on them for three days.

If it be animals of 'smacht'-fine or honor-price that were taken in the forced exaction, an equivalent of one-third of compensation<sup>1</sup> accumulates on them for every natural day, so that it is in three days the equivalent of the animal<sup>b</sup> would become due<sup>c</sup> to him *from whom it has been taken*.

The severity of the forced exaction is, that the honor-price and the interest accumulate for the same time; its leniency,

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\* Ir. Run.

<sup>b</sup> Ir. Body.

<sup>c</sup> Ir. Would  
reach.



THE BOOK α τροχαιρε ιμυρρο, ιν ρε αρ α ρειθερν α ταιργιλλι, κυρυν  
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— In banl atá, ιμυρρο; ταιρцит ρεena ρειρ, ταιρцит ρλεζα  
τρειρ, ταιργιτ clatoinm cuicēi, ταιργιτ ρειτ declmard, ρε  
comloigēe ριν acu nallino denmard do ρειρ ιαρmbpēταιρ,  
ocur biat uito iei ρε taeb.

1 eor no i cunopad tucad and ριν iat; ocur damard i  
neppac ρε gabēa iat, ρo but anuo ρo aicned ρeoir co ngnim-  
pad no cen gnimpad; ocur damard i nathgabail ρo gabēa  
iat, ρo biat anad orpu ρo aicned neppaim no nemneppaim.

Alcatt a tpi dopliat ταιργιλλι i paill oin co aige.

.1. eare no nollac .i. iplan aēt co topa iρ na lairib ρin  
hi, ocur mana topa, iρ ταιργιλλι do ριτ ρια o ρin amach.

Alplecad co aimpir.

.1. in ταιρlicuo co aimpir epus no hogmaip. 1plan aēt  
co topa iρin ló deiopinach don epnac no don nogmaip he;  
ocur mana topa, iρ ταιργιλλι do ριτ ριυ o ρin amac.  
O'D. 558. Ocur cindeo aigi aipiti [ata] orpo and ρin, uair mane  
beie, ce be uair oib do neēar α timgairc ipeo olegaiρ α  
nairic; uair in ni poryρ na puiρmōēer aigi, iρ e aigi α tim-  
gairc.

Deiēbir iτip anpaitēiur na hona ocur anpīρ in aiplicēe.  
Anpaitēiur na ona, ni pīτip in ρε do tiaētain, ocur ni iτip  
C. 1668. co mbeitip ρeie aip; [anpīρ an aiplicēi, ρo pīτip in ρε do  
tiaētain, ocur ni pīτip co mbeitip ρeie aip]; no dono, cena,  
C. 1669. ρo iτip in ρε do tiaētain [i ceētarpe.]

<sup>1</sup> *Knives spend.*—For “ταιρцит,” C. 1672 reads “ceiiget.” The quotation  
seems to be a fragment of some old poem.

<sup>2</sup> *After judgment.*—For “ιαρmbpēταιρ,” C. 1672, has “armbpēt.”

<sup>3</sup> *Neglect of a loan.*—“Oin” and “alplecad” both mean a loan:—the former,  
the loan of any thing without charge, for a definite time, but for which, if not  
turned at the end of that time, interest was charged; the latter means the loan  
any thing on hire, for a specified time.



however is, that for whatsoever time the additional interest accumulates, the honor-price accumulates for double that time. THE BOOK  
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Where, however, it is *said*, "knives spend<sup>1</sup> one night, spears spend three, swords spend five, shields spend ten," this is the time of set off during which they require to be proved according to after-judgment,<sup>2</sup> and there shall be a period of paying besides.

In *cases of bargain or contract* they were given in this *instance*; and if it were in a forced exaction they had been seized, there would be a stay *on them* according as they were 'seds' capable of work or not capable of work;<sup>3</sup> and if it were as distress they had been taken, there would be a stay on them according to their nature of necessary or non-necessary articles. \* Ir. With  
work, or  
without  
work.

There are three things which require interest for neglect of a loan<sup>3</sup> *given* until a definite day.

That is, to Christmas or Easter, i.e., he (*the borrower*) is exempt provided he returns it on these days, and if he does not return it, interest shall accumulate on it from that out.

#### A loan for a time.

That is, the loan till the time of Spring or Autumn. He (*the borrower*) is exempt, but so as he returns it on the last day of spring or of autumn; and if he returns it not, interest shall accumulate on it<sup>4</sup> from that out. And in this case there is a certain time fixed for *returning* it, for if there were not, at whatever time it (*the thing lent*) may be asked for, it ought to be returned; for *as to* the thing respecting which no time has been fixed, its being asked for determines<sup>5</sup> the time. b Ir. It.

*There is a difference between the inadvertence of the loan and ignorance of the lending.* Inadvertence of the loan *is*, when he (*the borrower*) does not know that the time has arrived, and does not know that interest<sup>c</sup> would accumulate upon him *for overlooking it*; or, according to others, ignorance of the lending *is*: he (*the borrower*) knew that the time had arrived, but he did not know that interest<sup>c</sup> would accumulate<sup>d</sup> upon him; or indeed, according to others, he knew that the time had arrived in either case. c Ir. Debts.  
d Ir. Be.

<sup>4</sup> On it.—For "rūu, on them," O'D. 558 reads "rūp, on it."

[Anpaitcey na hona .i. no pitiy in pe do tiaçtain, ocuy ni ar co mbeityy peiç air. Anpuy in aiplicio; no pitiy in do tiaçtain], ocuy do ituy co mbeityy peiç air, ocuy ni p'ca peiç do biat air.

Copezat pæglann ploiged.

.i. pmaçt ar daepceily gpaio peine in nemoul ino, ocuy i tiaçtain ar; tiablat ngnimpaio ar pæpceilyb gpaio peine i nemoul ino, ocuy enecclann a tiaçtain ar.

Maça gpaio plaça co na daepceilyb tainic ar, no cio iat na ceily tainic ar, maça epum a tubaite piu, iy enecclann tic ann, ocuy compaino pmaçta cana co na bi pep cpaí air; a leç do piç in cuicio, a leç ail do poiho i tri, a trian don piç iy nepu puar do piç in cuicio, a trian do piç na tuaiçe uil oppurum triy, ocuy a trian do na plaçaib ocuy do na etarplaçaib uilet etarpu ar medon.

Maça gpaio plaça ocuy aen çeile tainic ar, enecclann tic ano por; ocuy in cutpuma no icpaio in ceile co mbeç na céleio uil ann, copob eo icar, ocuy a puil ann o ça rin amaç tic dozum. Ocuy in compaino cetna air a leç do piç in cuicio, ocuy in leç aile do poiho i tri.

- c. 1675. Maç iat na ceilya peio tainic ar can deoin dozum, [in]  
 c. 1675. pmaçt no enecclann [uil] ano, [iy a ic doib]; ocuy compaino pmaçta cana oc na bi pep cpaí air; a trian do piç in cuicio, ocuy a trian don gpaio plaça ar a ceile tainic ar, ocuy a trian aile do poiho i tri : a trian do piç na tuaiçi

<sup>1</sup> *He did not know what debts would accumulate upon him.*—This seems to mean, that he did not know the rate of interest.

<sup>2</sup> *Where there is no owner of property.*—For “co, of the text,” C. 1675 reads “ac.”

<sup>3</sup> *Where there is no owner of property.*—For “oc na bi,” of the text, C. 1675 reads “oc a mbi, where there is.”

Inadvertence of the loan: *i.e.*, he knew that the time had arrived, but he did not know that debts would accumulate<sup>a</sup> upon him. Ignorance of the lending; *i.e.*, he knew that the time had arrived, and he knew that debts would accumulate<sup>a</sup> upon him, but he did not know what debts would accumulate<sup>a</sup> upon him.<sup>1</sup>

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<sup>a</sup> Ir. Be.

A chief may enforce a hosting.

That is, *there is* a 'smacht'-fine upon a 'daer'-tenant of the 'feini' grade for not going to it (*the hosting*), and for coming away from it; *there is* double work upon the 'saer'-tenants of the 'feini' grade for not going to it, and *they pay* honor-price for coming away from it.

If it be a *man of* chieftain grade with his 'daer'-tenants that came away from it (*the hosting*), or if it be the tenants that came away from it, if ordered by him (*the chief*), honor-price shall be paid for it, and it is to be divided like the 'smacht'-fine for *violating* the 'cain'-law where there is no owner of property:<sup>2</sup> half of it *goes* to the king of the province, and the other half is divided into three parts; of which one-third *goes* to the king who is nearest to the king of the province in upward gradation,<sup>b</sup> one-third to the king of the territory who is over those below, and one-third to the chiefs and intermediate chiefs who are between them in the middle.

<sup>b</sup> Ir. Upward.

If it was a *man of* chieftain grade, and one tenant that came away from it (*the hosting*), honor-price is to be paid for it (*the desertion*) also; and the share which the tenant should pay, if all the tenants had been *concerned* in the case, is what he is to pay *now*, and the remainder is to be paid by him (*the person of chieftain grade*). And the same division is made of the half for the king of the province, and the other half is divided into three parts.

If it was the tenants themselves that came away from it (*the hosting*) without his (*the chief's*) leave, the 'smacht'-fine or the honor-price which is *due* for it are to be paid by them; and the division of the 'smacht'-fine for *violating* the 'cain'-law is to be made of it where there is no owner of property;<sup>3</sup> one-third of it *goes* to the king of the province, and one-third to the *man of* chieftain grade whose tenants came away, and the other third is to be divided into three parts; one-third of which *goes* to the king of the district



THE BOOK OF AICILL. ուլ օրրարսն ար, օսար ա տրսն ծո նա փաճաւ օսար ծո նա  
ետարփաճիւ ուլ ետարսն ար մեծոն.

Մա շառարսն Լուծ րմաճէ օսար քեզայնոն ար, քան  
քեզայնոն ծո քաճաւ ատարսն, աճէ քաճ ծոն ծոն ա Լան ար ա  
աճիւծ քեզայնոն. Ուսո քաճա քեզայնոն ար Լուծ րմաճէ  
օսար քեզայնոն, ուսո քաճա ար Լուծ ծաճաւ քեճ ծոն  
ար.

Քաճ ար րմաճէ արսն ան, ր ա ր քո քեզայնոն րն ծո  
ար; օսար քաճ ար ր քեզայնոն, ր ա ր քո քեզայնոն րն ծո  
րն ար.

C. 1674. Ընտրութեան քոն ար նա քաճաւ փաճ [քեզ  
այնոն րն քեզայնոն] նա ար նա քաճաւ քեզայնոն? ր ք քաճ  
քեզայնոն; ուս ր քեզայնոն ծոն քեզայնոն ուս ծոն ծոն  
քաճա փաճ նա քեզայնոն նա քաճա քեզայնոն, օսար ուս  
քեզայնոն ար ար, օսար քեզայնոն քեզայնոն ուս քեզայնոն.

Ընտրութեան քոն արսն րն քաճայն ար նա քեզայնոն  
ար? ր ք քաճ քեզայնոն; քեզայնոն ուս քաճա քեզայնոն  
ա քեզայնոն քեզայնոն նա քեզայնոն ար քաճա քոն քեզայնոն.

Քաճ ար րմաճէ րն, ր քո քեզայնոն րն ծո ար; քաճ ար  
ր քեզայնոն, ր քո քեզայնոն րն ծո արն ար.

Մա Լուծ րմաճէ օսար քեզայնոն քեզայնոն ար, աճէ քեզայնոն  
քեզայնոն արսն րն, ուս Լուծ րն ուս քեզայնոն նա քեզայնոն  
քեզայնոն; օսար քեզայնոն ա քեզայնոն ար քեզայնոն րն քեզայնոն  
քեզայնոն, օսար քեզայնոն արսն.

Մա Լուծ րմաճէ օսար քեզայնոն քեզայնոն, օսար քեզայնոն  
քեզայնոն քեզայնոն քեզայնոն, քեզայնոն ար, ուսո քեզայնոն  
քեզայնոն արսն, աճէ քաճ ծոն ծոն ա Լան ար ա քեզայնոն  
քեզայնոն; ար աճէ քեզայնոն քեզայնոն Լուծ րմաճէ օսար քեզայնոն;



who is over them, and one-third to the chiefs and intermediate chiefs who are in the middle between them.

If persons incurring<sup>a</sup> 'smacht'-fine and honor-price came away from it (*the hosting*), they are not to be taken conjointly, but each of them is to pay his full share for himself. Persons incurring<sup>a</sup> 'smacht'-fine and honor-price, or persons incurring<sup>a</sup> double of either of those, are not to be taken conjointly.

Whenever it is 'smacht'-fine that is paid, it shall be paid according to the rank of the person who pays it; and whenever honor-price is *paid*, it shall be paid according to the rank of the person to whom it is paid.

What is the reason that there is a greater *fine* upon the chieftain grades for not going to the hosting than upon the 'feini'-grades? The reason is; the hosting or the fort-making suffers a greater loss from the absence of the chieftain grades than *from that* of the 'feini' grades, and they are more needed, and it is right that there should be a greater *fine* upon them.

What is the reason that there is a greater *fine* imposed upon them for coming away from it (*the hosting*) than for not going into it? The reason of it is; it is more dangerous for the king to be deserted outside in an enemy's territory<sup>b</sup> than that they (*the tenants, &c.*) should not go out with him at first.

<sup>b</sup> Ir. A non  
-besna'  
territory.

Whenever that *penalty* is 'smacht'-fine, it is *regulated* according to the rank of the person who pays it; whenever it is honor-price *that is due*, it is *regulated* according to the rank of the person to whom it is paid.

If it be persons incurring<sup>a</sup> 'smacht'-fine and honor-price that came away from it (*the hosting*), equalization is considered between them, i.e., they who have the greater full *fine* pay the excess; and they come into shares with the persons who have less full *fine*, and they pay equally between them.

If it be persons incurring<sup>a</sup> 'smacht'-fine and double-work, and honor-price and double-work, that came away from it (*the hosting*), equalization is not taken into account between them, but each of them pays his full *share* on his own account; for equalization is taken into account between persons from whom 'smacht'-fine and honor-price are *due*;

**Text Book** **Answer** — **Q.** 1. 1. In cimio, aét ma po aétang cuibneé aipéti aip, [ocur] ma pe in cuibneé rin tucaro aip, no cuibneé ip oligeéti aip, no ip comoligeéti pui, cen pui etallair cuibneé oib, ipéti don ti i paib i laim e ca na eloé ap he.

**Paul** dono cen incomet cimeéa.

**A. 1678.**

1. In cimio, aét ma po aétang cuibneé aipéti aip, [ocur] ma pe in cuibneé rin tucaro aip, no cuibneé ip oligeéti aip, no ip comoligeéti pui, cen pui etallair cuibneé oib, ipéti don ti i paib i laim e ca na eloé ap he.

Ma po aétang in cuibneé aipéti, ocur tuc in cuibneé rin aip, co pui etallair, no cuibneé ip ipéti aip, cen pui etallair, ocur po bi a tucari co tucaro aipéti oé, ip leé piae in cinato pui i paib oé don ti i paib laim he, ocur leé piae caé cinato oé gena no co ti pe oligeéti.

Manar cuibneé aipéti he, no ce po cuibneé, mara cuibneé co pui etallair tuc aip, ocur po bu cinoti leip na tucaro oé a aipéti, ip lan piae in cinato pui a paib oé don ti i paib laim he, ocur lan piae caé cinato oé gena no co ti pe oligeéti.

Ma po aétangéti cuibneé aipéti aip, ocur ni tucartarum in cuibneé rin aip, no cia tucartar, ma po cinoti leip co na tucaro a aipéti oé, iato lan piae in cinato imar gabaro, ocur lan piae caé cinato oé gena no co ti pe oligeéti.

Manar aétangéti cuibneé aipéti aip itip, aét a cuibneé čena, ci be cuibneé uile oé bepa aip in ti i paib laim he, o na bia pui etallair aip, ocur o bu pui a tucari co tucaro a aipéti oé, ipéti don ce na eloé ap he.

Manar epbar pui a cuibneé itip, aét a comet čena, ipéti don ce helai ap he, o oé gena a comet cen oíell. No

but it is not taken into account between persons from whom THE BOOK OF AICILL. 'smacht'-fine and double-work, or honor-price and double-work are due, but each of them pays his own full *share* on his own account.

Neglect indeed in not guarding a captive.

That is, *as to* the captive, if a particular fether was agreed *to be put* upon him, and if it was that fether that was put upon him, or a fether more lawful than it, or equally lawful with it, without knowledge of defect in any fether of them, the person in whose custody<sup>a</sup> he was is exempt even \*Ir. Hand. though he should escape from it.

If the particular fether was agreed on, and if he (*the keeper*) put that fether upon him, being aware of a defect *in it*, or a worse<sup>b</sup> fether than it, not being aware of any defect *in it*, and \*Ir. Lower. it was his belief that it would restrain him, he in whose custody<sup>a</sup> he was pays half the fine for the offence for which he was *in custody*, and half the fine for every offence which he shall commit until he submits<sup>c</sup> to law. \*Ir. Comes.

If he (*the keeper*) did not fether him at all, or though he did fether *him*, if it was a fether of whose defect he was aware he put on him, and he was certain that it would not restrain him, he in whose custody<sup>a</sup> he was shall pay full fine for the offence for which he was *in custody*, and full fine for every offence which he commits until he submits to law.

If it was agreed *to put* a certain fether upon him, and if he did not put that fether upon him, or though he did put *it*, if he was certain that it would not restrain him, he shall pay the full-fine for the offence for which he was arrested, and the full fine for every offence which he commits until he submits to law.

If no particular fether was agreed *to be put* upon him, but only that he should be fettered; whatever fether the person with whom he was in custody<sup>a</sup> puts upon him, provided he is not aware of its being defective, and it is his belief that it will restrain him, he is exempt though he (*the captive*) should effect his escape.

If he was not ordered to fether him at all, but to keep him, he (*the keeper*) is exempt though he (*the captive*) should escape, provided he keeps him without neglect. Or, indeed,

**The Book** **Dono** čena, comar lan pjač in cinar pja i panbi vae vo, ocu  
**or**  
**Assell.** lan pjač cač cinar vo čena co ti pje vliget; uarj nocu  
comet vliget he ma po ela ar he, uarj iř eo a vubaro  
pja a comet, ocu nocu namail comet he ma po ela ar he.

Cro potepa lan pjač iřin paill pja, ocu co na paill ač  
aichin iř na paillab aile? Iř e pač potepa; beo [vile]  
come a gart buoin in uine, ocu vati in vliget ar in ti  
vo pje paill ime; ocu coir cemar lan pjač ar.

**A. 1077.** [Mana po ačang, cuibneč anpae ar iřin, ač a comet,  
iř amail cimir cin ečangar cuibneč anpae é, in a p-lanar  
vo. No dono, co na buo luga leir no ačangar cuibneč  
anpae; uarj a vubaro pja a comet.

Cro potepa co na paill ač let pjač iřin aichne po, ocu  
co paill lan pjač iřin naichne eile? Iř e in pač potepa;  
in aichne iřin inut eile nočō tēt ar a hinat i co mbeipenn  
neč eile, ocu paill vo pigne uimpi, ocu coir cemar moite  
inute. In aichne po imorpo, hi buoin pucurtar (no puc-  
tatt) ann hi, ocu coir cemar lugaite inute.]

In aichne noco tēt ar a hinat hi co mbeipenn uine hi,  
ocu paill vo pigne impi, ocu coir cimar moiti inuti.

Paill dono vo connat cen imcomet cač ecuin.

.1. in coonač var epbat in teconač vo comet pje pje  
naen uaire, iř lan pjač uar in cač cinar pje pje bepa  
c. 678. ocu pjeaga, [cip ocu clocha], alla ocu pjeiminu, pui  
ocu pjeaga, ocu aer buobunaiř na epai ar co pje a  
mbuobunaiř; iř a ic pje don ti var epbat a comet, cia  
taruř amuič pje, cen co taruř; no dono čena, iř can

<sup>1</sup> *Neglect in keeping it.*—The words in parenthesis in the Irish are an interlined  
aliter reading by another hand.

<sup>2</sup> *Out of its place.*—From this and other passages of a like kind, it would  
appear that the imprisonment here referred to was not in a regular gaol, but was a  
sort of *libera custodia*.



according to others, he is to pay the full fine of the offence for which he was detained, and full fine for every offence which he may commit, until he submits to law; for it is not a lawful keeping if he escaped, because he was ordered to keep him, and it is not like keeping if he escaped.

What is the reason that there is full fine for this neglect, and that there is only compensation in other cases of neglect? The reason is; a man is a live chattel that can "steal itself," and it is to punish the person who neglected to guard him, for his illegality; and it is right that full fine should be imposed upon him.

If no particular fetter has been agreed to be put upon him, but that he be kept, he is as a captive without specification as to any particular fetter, in respect of exemption. Or indeed, according to others, there would not be less due for neglect in this case than for neglect in the case of specification of a particular fetter; for he was ordered to keep him (*the captive*.)

What is the reason that there is only half-fine due for neglect of this charge, and that there is full fine for neglect of the other charge? The reason is; the charge in the other instance would not go from its place until another should remove it, and neglect took place with respect to it, and it is right that there should be more for it. This charge, however, removed itself, or stole itself, and it is right that there should be less fine for neglect in keeping it.<sup>1</sup>

This charge *i.e.*, dead chattels, would not go out of its place<sup>2</sup> unless some person took it away, and neglect took place respecting it, and it is right there should be greater fine for this case.

Neglect indeed by sensible adults in not minding the non-sensible.

That is, the sensible adult who was ordered to mind a non-sensible person for the space of one hour, shall pay<sup>a</sup> full fine for every injury which spikes and spears, stocks and stones, cliffs and precipices, animals and strangers, and the enemies of the territory, he (*the sensible adult*) being aware of their enmity, shall inflict upon him; that fine shall be paid by the person who was ordered to mind him, whether it (*the injury*)

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<sup>a</sup>Ir. *is from*  
*him.*

**ANALYSIS**

Man amañ po rožanl in tescotnač, ač mapa bičbinof  
 he, ma po ioriprom a bičbinči ar, n  
 lan po aicnefo a bičbinči vuc anp.  
 bičbinči: ar, i: lan po aicnefo ar: vuc  
 an.

1. let piac por a ati ocu<sup>re</sup> por a m<sup>u</sup>me; ocu<sup>re</sup> in ca<sup>re</sup> en<sup>er</sup>o  
 re<sup>re</sup>ant be<sup>re</sup>a ocu<sup>re</sup> p<sup>re</sup>ga, alla ocu<sup>re</sup> p<sup>re</sup>imenna, p<sup>u</sup>ib ocu<sup>re</sup>  
 de<sup>re</sup>ada, ocu<sup>re</sup> aer bi<sup>re</sup>banar na c<sup>u</sup>ci, co p<sup>u</sup> bi<sup>re</sup>banar  
 op<sup>u</sup>o. 1<sup>re</sup> a io p<sup>u</sup> da ati ocu<sup>re</sup> da bu<sup>u</sup>me, cia tapur imu<sup>re</sup> he  
 cen co tapur; no dono <sup>ce</sup>na, 1<sup>re</sup> can tapac<sup>re</sup>an ama<sup>re</sup> ata  
 p<sup>u</sup>n; ocu<sup>re</sup> [ma] tapur ima<sup>re</sup> he, zeib<sup>u</sup> sp<sup>u</sup>im da<sup>re</sup> a  
 cent<sup>u</sup>rum.

Mar amañ no rogail in dalta a cet cin compairi, do  
neod i roid enecian eiric dic don aiti a dualgur cet cinas;  
ocur uiliatu a cinas no co nterina a ađcur for a athair;  
ocur o do gena a ađcur for a athair, a cinas biđbinđi co  
faił dic don aiti, ocur a cinas biđbinđi cen faił dic da  
athair.

Αἰὲς σου εἶπας πρὸς τὸν πατέρα σου, ὅτι ἐγὼ ἵκεκα σου·  
ὅτι ἐλπίσας ἐστὶν ἡ ψυχή σου ἐπὶ τὸν ὁπλιτιστήν σου.

<sup>1</sup> *Whether it occurred outside.*—The words 'επαυρη,' or 'επαυρη,' and the other forms from the same root have been rendered by Dr. O'Donovan here and in a few subsequent instances, 'occurred,' or 'happened.' Elsewhere they are rendered by 'was obtained,' 'seized,' 'recovered,' &c., meanings which appear to suit the present place very well. The sense would then be "whether it (*the fine*) was recovered outside (i.e., *from the parties who actually did the injury*) or not." It has not been thought advisable, however, to alter Dr. O'Donovan's translation.

occurred outside<sup>1</sup> *the territory* or did not occur; or indeed, THE BOOK OF AICILL. according to others, it is when it did not happen outside this is to be paid by him; and if it happens outside, he shall pay nothing for it.

If any part of it (*the injury*) happened outside, and if it did not all happen *there*, the proportion of the full fine for the part of it that did not happen outside, is the proportion of the full fine which he shall pay.

If it was outside *the territory* the non-sensible person committed the injury, and if he be a vicious person, if he (*the guardian*) knew of his viciousness, or had been told of it, he (*the guardian*) shall pay full *fine*, according to the nature of the viciousness, for it. If he did not know of his viciousness at all, he is to pay full *fine* according to his age.

On his foster-father and on his foster-mother half fine is imposed on his account; and for every wound which spikes or spears, cliffs or precipices, animals or strangers, or the enemies of the territory when their enmity is known, shall inflict upon him. This *fine* is to be paid by his foster-father and his foster-mother, whether it (*the injury*) happened outside or not; or indeed, according to others, it is when it has not happened outside this is paid; and if<sup>2</sup> it has happened outside, a claim takes effect for them.

If the foster-son has committed his first intentional offence outside *the territory*, 'eric'-fine shall be paid by the foster-father for such as would incur honor-price, on account of the first offence; he pays also for all his offences, until he returns him to his father; and when he has returned him to his father, his offences of viciousness arising from<sup>a</sup> neglect are to be paid for by the foster-father, and <sup>a</sup> Ir. With. his offences of viciousness without neglect, shall be paid by his father.

This was a case of returning a foster-son for his offences before the age at which the fosterage is completed, and not returning after<sup>b</sup> attaining that age; and if it had been returning after<sup>b</sup> that age, the foster-father would be exempt from <sup>b</sup> Ir. of. liability for his offences.

<sup>2</sup> And if.—For 'ma,' the reading in O'D., 1536 (E. 3-5, p. 57), is 'm' which does not appear to make sense.

- The Book of Amos.** Cio pōtōpa co pml lan pāt ap in cōvnaē vāp epbato in taccōvnaē vō comet pō pō nasa vāp, ocup nā pml aēc lēt pāt ap a aīcī, ocup ap a bāime? Iy ó pāt pōtōpa; uppa vōn tī vāp epbatō a comet pō pō nasa vāp, nā vā aīcī ocup vā bāime a cōmet vō gup; ocup coīp co nā bēt
- C. 1000.** lan[pāt] ap in tī vāp epbatō a comet pō pō nasa vāp, o nā vōpā a comet co vīgāt; vōilgī vā aīcī ocup vā bāime a
- C. 1000.** comet mūppa, ocup coīp comatō la [oppo]; nō, iy comla- gūo lanamīnāp dōnā ita itīp in nāvī ocup in vāilā, can mī iy mō vātō nā lēt.

Ma po aīl co aēp vāilāp, ocup pō ic a cet cīn com-  
paitī, iy tīpān coīppōīp nā cet cneīp compaitī pō pēpātō  
aīp vō bpeīē vōn aīcī, cīo aīcī cīo iāp nōul vātō pō pēpātō  
aīp hī.

- Manap oīl co aēp vāilāp, ocup nīp ic a cet cīn compaitī,**  
**C. 1000.** aēt māp aīcī pō pēp[āb] cneō aīp, iy tīpān comlān vō  
bpeīē vō; māp ap nōul vātō, noco beīpēnō nāc nī.

Manīp aīl co hāep vāilāp, ocup pō ic a cet cīn com-  
paitī, in tainmīpānō vōn pō pō aīlēpāp cūpūb ē in tainmī-  
pānōē pīn beīpēp, cīo aīcī, cīo iāp nōul vātō pō pēpātō  
cneō aīp. Ocup māp i cet cneō pō pēpātō aīp a māpbatō, iy  
tīpān coīppōīp in cīpōlī bāīp vō bpeīē vō; nō vōnō cēnā,  
co nā bēt nī vō itīp, vāīp nōcū nāmāīl cneīp lēīp in bāp-  
vātō.



What is the reason that there is full fine *imposed* upon the sensible adult who was ordered to mind the non-sensible person for the space of one hour, and that there is only half fine *imposed* upon his foster-father and his foster-mother? The reason of it is; it is easier for the person who was ordered to mind him for the space of one hour *to do so* than for his foster-father and foster-mother to mind him always; and it is right that there should be full fine *imposed* upon the person who was ordered to mind him for the space of one hour, when he did not mind him properly; but it is more difficult for his foster-father and his foster-mother to mind him, and it is right that there should be less fine *imposed* upon them; or, *according to others*, it is an adjustment of social connexion that exists between the foster-father and the foster-son, so that there is no more than half fine *required* from him.

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If he fostered him to the completion of the age of fosterage, and paid for his first intentional offence, the one-third of the body-fine for the first wound intentionally inflicted on him shall be obtained by the foster-father, whether it was inflicted on him while with him, or after he had gone from him.

If he did not foster him to the age of completing the fosterage, and did not pay for his first intentional offence, and if it was *while* with him (*the foster-father*) a wound was inflicted upon him, he (*the foster-father*) shall obtain the full third of the fine; if it be after he has left him, he obtains nothing.

If he did not foster him to the age of completing the fosterage, and paid for his first intentional offence, the share of the fine which he gets is proportional to the time during which he fostered him, whether a wound was inflicted upon him while with him, or after he has left him. And if the first wound inflicted on him killed him,\* it is one-third of body-fine for a death-maim that shall be obtained by him (*the foster-father*); or else, *according to others*, nothing shall be due to him at all, for putting him to death is not like *inflicting* a wound upon him.

\* Ir. Be hu  
killing.

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of  
Aquila.  
C. 1702.

[Talmardoch cni imchormet.

.1. in uaine da po herbar in talmardoch do coimhet po po naen uaine, let fiacl cafa cneise perant bepa ocur rleza, cip ocur clofa, ocur alla ocur oremanna, rimp ocur oeorano ocur aer biddannair na cruice co fir a mbiddannair orpa; ocur oedruime in let fuid rin ar fellat po bai aca reillceet. Inano ocur reictmarb in lann; ip a ic rin uon ti uap herbar a coimhet in tan nar fet a teparfgan gan coimhet fir; ocur da reoab a teparfgan gan comrade fir, in cutruma po diaib; nemchoimhet a hecobnais aile, gurab eb biar uab in a neimchoimhetorin.

Ma teparfgan rin amuic, ir lan uorum; mana teparfgan, ip a ic uoran.

Mar amac po rogal in talmardoch, in cutruma po icafrom; cinaib a hecobnais aile, gurab he a let icaf in a cinaib rom, in tan nar fet a teparfgan gan coimhet fir; ocur da reoab, in cutruma po icafrom a cinaib hecobnais aile, gurab eb icaf in a cinaib rom.

Cetraihe por a aiti ocur por a buime in talmardoch cae cneise perant bepa ocur rleza, cip ocur clofa, rimp ocur oeorano, alla ocur oremanna ocur aer biddannair co fir a mbiddannair air, ocur in tan nar fet a teparfgan gan coimhet fir; ocur do fetuair a teparfgan gan coimhet fir, in cutruma po diaib uatib; neimchoimhet in dalta aile gurab eb biar uatib in a neimchoimhetorin. Cetraihe na cetraihe rin ar in fellat po bai aga reillceet. Inann ocur in reirer panu oeg in lann; ocur ce teparfgan rin amuic, ip a ic uorum, uair o biar lanamanna ocur uaine nac lannam-

<sup>1</sup> An epileptic lunatic.—In C. 2,895 "talmardoch" is explained, "a man who has epilepsy, or St. Paul's disease, i.e., the falling sickness."

<sup>2</sup> If this occurred outside.—Vide note, page 502.

*For leaving an epileptic lunatic<sup>1</sup> unguarded.*

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That is, the person to whom orders were given to keep the epileptic lunatic for the space of one hour, *shall pay* half fine for every wound which spikes and spears, stocks and stones, and cliffs and precipices, beasts and strangers, and the hostile people of the territory, if their hostility is known, shall inflict upon him; and one-fourth of that half fine *is imposed* upon a spectator who was looking on at him. It is equal to one-eighth of the whole; this is to be paid by the person to whom orders were given to keep him, when he was not able to save him without fighting with him; and if he should be able to save him without fighting with him, then the same *fine* that would be *imposed* on him for not keeping any other non-sensible person shall be *imposed* on him for not keeping him.

If this occurred outside<sup>2</sup> *the territory*, he is exempt; if it did not so occur, it (*the fine*) is to be paid by him (*the keeper*).

If it was outside *the territory* the epileptic lunatic committed the injury, *whatever be* the proportion of *fine* which he (*the keeper*) should pay for the crime of another non-sensible person, it is half thereof he shall pay for his (*the epileptic lunatic's*) crime, when he was not able to save him without fighting with him, and if he were, he shall pay the same fine for his crime that he would pay for the crime of another non-sensible person.

A fourth of *the full fine is imposed* upon the foster-father and the foster-mother of the epileptic lunatic for every wound which spikes and spears, stocks and stones, beasts and strangers, cliffs and precipices, and hostile people, if their hostility be known, shall inflict on him, and when they (*the foster-parents*) could not save him without fighting with him; and if they could save him without fighting with him, they shall pay the same proportion of *fine* for not keeping him, as for not keeping their foster-son. A fourth of that fourth *is imposed* on the spectator who was looking on at him. It is equal to one-sixteenth part of the whole; and though this occurs outside *the territory*, it (*the fine*) is to be paid by him, for when a person with whom there is a social relation,

THE BOOK ABOVE IS DONATED TO THE  
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Մայր առա՛նք քո բոցով և տա՛կառե՛  
 Երթո՛ւնք ։ Եւա՛րե՛ն և՛ յա՛ւառ առե, զարե՛  
 Ընա՛րե՛ք լին և՛ ին՛ յար քո՛ ա տըրքա՛ս  
 օգը՛ տա քե՛տըր ա տըրքա՛ս զա՛ն Ընե՛ք  
 քո Երթո՛ւր ա Եւա՛րե՛ն առ յա՛ւառ առե, ի  
 Եւա՛րե՛ք լին.

Crð þuverta co na fínl átt lét fíal af  
bat í talmarðe vo ðornet pe pe nae  
co fínl lan fíal af in vurne var hepb  
ðornet pe pe naen uarpe ðuar? Í 9 in  
laruafge ocuf af a acmeile in vurne f  
ðuar; ocuf n curnang a ðearfagan gun  
va caemrab, po bat lan fíal ano funu

Cið þóðsra co na fúil act cefraime ar  
in talmaibe runo, ocur co fúil lef ríad  
a buime in ecoðnaiz ðuar? 1r in  
larðnaizge ocur ar aicmeile in buime r  
ðuar, ocur ni ðunigento a ðerparðain gar  
ða caefirðaðair, þo bía lan ríad and fur  
No þono, co na beð a larðnaizge no a e  
beile þo aifreðaðo þo aiti na þo buime in  
lef ríad þorparum runo amail ata þo  
þuime in ecoðnaiz ðuar, æt ar ðoizli



and a person with whom there is not a social relation, do an injury to one with whom there is a social relation, there is no equal participation of *liability* taken into account between them, but each shall pay his full *fine* on his own account.

If it was outside *the territory* the epileptic lunatic did the injury, *whatever be* the proportion of *fine* which they (*the foster parents*) should pay for the crime of the other foster-son, it is half thereof they would pay for his crime when they could not save him without fighting with him ; but if they could save him without fighting with him, they would pay the same proportion of *fine* for his crime, as they would for the crime of the other foster-son.

What is the reason that there is but half-fine *imposed* on the person who was ordered to keep the epileptic lunatic for the space of one hour here, and that full fine is *to be paid* by the man who was ordered to keep the non-sensible person for the space of one hour above ? The reason is ; on account of the furiousness and dangerous nature of the person here, compared with the person above *referred to* ; and he could not be saved without fighting with him ; and if he could, there would be full fine due for it (*the neglect*) here, as there is above.

What is the reason that there is only one-fourth of *the fine* upon the foster-father and foster-mother of the epileptic lunatic here, and that there is half-fine upon his foster-father and his foster-mother, *i.e.*, of the non-sensible person above ? The reason of it is ; owing to the furiousness and dangerous nature of the person here *referred to*, compared with the person above ; and they cannot save him without fighting with him ; but if they could, there would be full fine *due* for *neglecting* him here, as there is *in the case* above *referred to*. Or indeed, *according to others*, his furiousness, fierceness, or dangerous nature, is not to be taken into account at all for his foster-father and foster-mother in respect to him, but half-fine would be on them here, as it is on the foster-father and foster-mother of the non-sensible person *in the case* above, and on account of the difficulty of keeping him generally.

**The Book** **Paul** **Dono** **do** **caemteccaid** **cen** **incomet** **ayra**  
**or** **Annal.** **ppant.**

1. Ma no upocarp in tuayal va luēt manēyane vula amach, ocur a vubayr pu arum do bpeit leo, ocur tucrum arum vob; mana vechayrum amach iur, no ce pa tucrum, mana pucrat arum leo, iur lan riac cada caeroe pcpit cap ocur cloča, ocur alla ocur pup, ocur aer biobanay arum imuē ocur tpa na neimbeirum ina pcpuro vic vobrium pu, tpa neimbeir arum acu, ce po batay pcp ann.

Ma tucrum arum vob, ocur ni vubayr pu arum do vubayr leo va comet, leē riac cada caeroe pcpit bcp ocur rleſa, cup ocur cloča, alla ocur vpeimenna, pcp ocur aer biobanay ar vic vobrium.

Mana tucrum arum iur vob, no ce tuc, mana vubayr pu a vubayr leo, iulan vobrium, aē co neēat pcp amach annec; uayr geibro gpeim arum vcpum i leē pe conay iatrom, ocur amail torbaē co naym eirum, ocur amail torbaē cen arum iatrom; ocur cuicay arum iur eirvotaē uatū i leē pe conay.

Ma no čuatur leir amach, ocur po pcpatay rir amuē, a pcpo in pe vobirum no in vobirum, no pe eirba no pe becvobirum do pcpatay rir. Iur leē riac cada pcpa do gentay rir tpa neimbeirum na pcpuro vic vobrium.

Ma pe vobirum do ecma, iulan iat; map pe in vobirum, iur lan riac iur nerbaē, no iur bec vobirum.

Iur eē iur becvobirum ann, vula vcpayro neiē pancatay a leay, ocur conicay iur pcpa. Iur eē iur in vobirum vob, vula vcpayro in neē na pancatur a leay.

<sup>1</sup> *Little necessity.*—C. 1689 adds here, "Necessity happening to them, means to go to seek a thing required and which they could not do without."

Neglect indeed by attendants in not guarding THE BOOK  
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persons of dignity.

That is, if the chief ordered his servants to go out, and told them to bring arms with them, and gave them arms; if they did not go out at all, or, though they went, if they did not bring arms with them, it is full fine they (*the servants*) shall pay for every wound which spikes and spears, stocks and stones, and cliffs and beasts, and the hostile people of the *territory* inflict upon him out-side, and through their not being with him, or through their not having arms, though they may be there (*in attendance*) themselves.

If he gave them arms, and did not tell them to bring arms with them to guard him, half-fine for every wound which spikes and spears, stocks and stones, cliffs and precipices, beasts and hostile people inflict upon him shall be paid by them.

. If he did not give them arms at all, or though he gave *them*, unless he told them to bring them with them, they are exempt, provided that they have gone out themselves on the occasion; for it (*their presence*) has the effect of arms *as regards the fine due to him* in respect of *injuries by dogs*, and he is regarded as a profitable worker with a weapon, and they are regarded as profitable workers without weapons; and the share of weapons is wanting to them in respect of dogs.

If they went out with him, and separated from him outside, it is to be considered whether it was of necessity or without necessity, or through idleness or of little necessity they separated from him. Half-fine for every injury that is done to him through their not being with him is to be paid by them.

If it was through necessity it happened, they are exempt; if it was without necessity, they pay full fine for the *absence through idleness*, or for the little necessity.<sup>1</sup>

Little necessity means,\* that they went to seek a thing of Ir. Ir.  
which they stood in need, but which they could have done without. Non-necessity for them means\* that they went to seek a thing of which they did not stand in need.

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faill dono do feichemnaib leard a napaig do depra  
dap a cenn.

.1. ma do pime in feichem toichea deine toichea ap in  
mbrobaro, (ocur ip eo ip deine toichea ann, na apata do  
tabairt ap na fiachaib, ocur dul do da nacra neri in na rin),  
ocur cinnti leir nap oligteb dul da nacra in uair rin, ip  
cine feoit ino ocur enecclann, ocur vilri a fiach.

Ma nobi a tuicri cor oligteb dul da nacra in uair rin,  
ip cine feoit uao ocur vilri a fiach, ocur noco nuil enec-  
clann.

Ma rubu cinnti leir cup oligteb, ip cine feoit uao i  
troicard tar oligeb.

Ma do pime in feichem toichea deine toichea pur  
in trebuipe, (ocur ip eo ip deine toichea ann dul do  
nacra ap in trebuipe, neri po leic in brobuid elod), ocur  
cinnti aic nap oligteb dul da nacra in uair rin, ip cine  
feoit uao ocur enecclann ocur vilri a fiach do nemacra air  
do gner.

Ma rubu cinnti leir cup oligteb, ip cine feoit uao  
ocur vilri a fiach, ocur noco nuil enecclann. Ma rubu  
cinnti leir cor oligteb, ip cine feoit uao i troicard tar  
oligeb.

Ma da pime in trebuipe deine toichea ap in mbrobaro,  
(ip eo ip deine toichea do dul oir nacra ap in mbrobaro  
neri tainic in feichea toichea da acra ri), ocur a cinnti  
aic nap olig dul da nacra in uair rin, ip cine feoit uao  
ocur enecclann ocur vilri a fiach do nemacra air do gner  
a dualgur a patachair.

Ma nobi a tuicri cor olig dul da nacra in uair rin, ip  
cine feoit uao, ocur vilri na fiach do nemacra oir air, ocur  
noco nuil enecclann.

Ma rubu cinnti leir cup oligeb, ip cine feoit uao i  
troicard tar oligeb, ocur na feich rin i poibi sic tar a



Neglect indeed by debtors in violating the contract which was made for them.

That is, if the plaintiff brought a suit with severity<sup>a</sup> against the defendant, (and a suit with severity<sup>a</sup> means that a certain time was given for *paying* the debts, and that he went to demand them before that time), and he is certain that it was not lawful to proceed to sue for them at that time, five 'seds' and honor-price and the forfeiture of his debt are *the penalty* for it.

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<sup>a</sup> Ir. *Seve-  
rity of  
sueing.*

If it was his belief that it was lawful to proceed to sue for it at that time, five 'seds' and the forfeiture of his debt are *due* from him, but there is no honor-price *due*.

If he was certain that it was lawful *for him to sue*, five 'seds' for fasting against law is *the penalty* from him.

If the plaintiff brought a suit with severity<sup>a</sup> against the surety, (and a suit with severity<sup>a</sup> means that he went to demand his debt of the surety before the debtor had absconded), and he was certain that it was not lawful to proceed to sue for it at that time, five 'seds' and honor-price and the forfeiture of the right of ever suing for his debt are *due* from him.

If he was certain that it was lawful *to sue for it at that time*, five 'seds' and the forfeiture of his debt, are *due* from him; but honor-price is not *due*. Or, according to others, if he was certain that it was lawful, five 'seds' for fasting against law are *due* from him.

If a surety brings a suit with severity<sup>a</sup> against a debtor, (suit with severity<sup>a</sup> means that he went to sue the debtor before the creditor had come to sue himself), and he was certain that he had no right to go to demand it at that time, five 'seds' are *due* from him, and honor-price and the forfeiture of the right of ever suing him for the debt in right of his suretyship.

If it was his belief that he was entitled to go and sue for it at that time, *the penalty due* from him is five 'seds' and the forfeiture of the right of ever suing him for the debt, and honor-price is not *due*.

If he was certain that he was entitled *to sue for it then*, five 'seds' are *due* from him for fasting against law, but the

The Book cenn pe reichemawon toicheva; ocup tapgyr vlygeb in oad  
 of inao vobryn; uair mane tapceta, po baro, in ti loingey nare  
 AICLE. — oig; i peir do tporceto, in per fall ann.

Ma do čuaro in reichem toicheva vacpa ap in mbyoburb  
 ina uoi ice coir, ocup po leic in biobuib elot, ocup robo  
 cnoti leir cor vlet na peic de in uair rin, ir cuic peoit  
 uaro ocup enecclann ocup diablato pial, ocup cumal peč-  
 a. 1681. mato mapbat, [ocup dublato mbio, mana tapgyr biat do;  
 ocup ma tapgyr biat do, ni puil cumal pečmato mapbcha,  
 na dublato mbio].

Mana tapgyr vlygeb, ocup cač inao na poic enecclann  
 comlan a vualgyr nemtabarča na pial, ir a [p]uillaro a  
 vualgyr nemtabarča in bio, co poib enecclann comlan  
 ann.

Ma robo a čuicri co nar vlet na peic in uair rin, ir  
 a. 1682. cuic peoit uaro, [ocup dublato na pial], ocup pečmato  
 a. 1682. mapbča, [ocup dublato mbio], ocup noco nuil enecclann.  
 Robo cnoti leir co nar vlet na peic in uair rin idir, ir  
 cuic peoit irin nemtinocirin.

Ma do čuaro in peicem toicheva vacpa ap in tpebuiri  
 co coir ap a ačli rin, ocup po leic elot, ocup cnoti leir  
 cor vlet na peic de, .i. sic no do tobač, ir cuic peoit uaro,  
 ocup diablato pial, ocup diablato mbio, ocup noco nuil  
 enecclann.

Ma rubu cnoti leir co nar vlet de in uair rin idir  
 iat, ir cuic peoit uaro ina neimtinocirin.

Ma do čuaro in tpebuire vacpa ap in mbiovbuib ina uoi  
 ice coir, ocup po leic in biobuib elot, ocup cnoti leir cor  
 vlet na peic in uair rin de, ir cuic peoit uaro, ocup ene-  
 clann, ocup na peic rin i poibi sic rap a cenn, ocup noco  
 nuil diablato pial, uair noco ne cuingey.

<sup>1</sup> The man within. This term for the most part signifies the debtor, or defendant  
 in a suit. The term "man outside," means generally the creditor, or plaintiff in a suit.

debts for which he was *surety* are to be paid for him to the creditor; and he offered to *submit* to law in each case of these; for if he had not so offered, the man within<sup>1</sup> in this case would be *like* "the person who refuses ceding its lawful right to fasting."

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If the creditor went to sue the debtor at the proper time for payment, and the debtor has absconded, and he was certain that the debts were then due of him, *the fine due* from him is five 'seds' and honor-price and double of the debts, and a 'cumhal' of one-seventh for killing, and double food, if food has not been offered to him; and if food has been offered to him, there is no 'cumhal' of one-seventh for killing, or double food.

If law has not been offered, and wherever complete honor-price does not accrue in right of the debts having been withheld, it (*the honor-price*) is to be added to in right of the food having been withheld, until it amounts to complete honor-price.

If it was his belief that the debts were not then due of him, five 'seds' are *due* from him, and double the debts, and one-seventh for killing, and double food, but honor-price is not *due*. If he was certain that the debts were not due of him at that time at all, it (*the fine*) is five 'seds' for not having tendered them.

If the creditor went to sue the surety rightly afterwards, and he (*the surety*) has absconded, and he was certain that the debts were due from him, i.e., *that he was bound* to pay or to levy them, five 'seds' are *due* from him, and double the debts, and double food, but honor-price is not *due*.

If he was certain that they (*the debts*) were not due of him at that time at all, *and they were nevertheless*, it (*the fine*) is five 'seds' from him for not having tendered them.

If the surety went to sue the debtor at the proper time for payment, and the debtor absconded, and he (*the debtor*) was certain that the debts were then due from him, it (*the fine*) is five 'seds' from him, and honor-price, and the debts for which he (*the surety*) had been *security* are to be paid for him, but there is no double of debts, because it is not that he seeks.

**The Book** **Ma** robi a tucpna co nap vletc na pasc ve in uarp fna,  
**or**  
**Arde.** ip cuic pscit uat, ocup na pasc pnt i pobi sic uap a coua,  
 — ocup noco nuil viablab pasc, ocup noco nuil enecclann.

**C. 1002.** **Ma** paba cinoti leiſ nap vletc na pasc ve in uarp fna,  
 ip cuic pscit na noimacipna; ocup ni tapguy vliged uon  
 pnt amant i macta vob fna; ocup va tapgda, paba in va  
 tpepceſ tap tapcpna pcpa in pnt amant ana.

ip ann ata, teit pnt va leiſ lan eipic von pscipmann  
 toicheſa, in tan do euaro in pscipmann toicheſa vacpa ap in  
**C. 1003.** mbrobuſo na uſoi [ice] coip, ocup po leiſ in brobuſo eloi,  
 ocup cinoti leiſ co nap vletc na pasc ve in uarp fna, ocup  
 do euarſ vacpa ap in tpebuſu ap a aſli fna, ocup po leiſ  
 in tpebuſu elob; ip lan eipic o ceſtarp ve vob von pscip-  
 mann toicheſa.

ip ann ata, teit pnt va leiſ lan eipic von brobuſo, in tan  
**C. 1004.** do pſne in pscipmann toicheſa veine toicheſa [ap], ocup do  
 pſne in tpeabuſu veine toicheſa ap; lan eipic o ceſtarp  
 ve vob von brobuſo.

ip ann ata, teit pnt va leiſ lan eipic von tpeabuſu,  
 in tan do pſne in pscipmann toicheſa veine toicheſa ap,  
 ocup do euaro in tpebuſu ap a aſli fna vacpa ap in  
 mbrobuſo na uſoi ice coip, ocup po leiſ in brobuſo eloi,  
 lan eipic o ceſtarp ve vob von tpeabuſu.

Mapa acpa borblaſap do pſne in pscipmann toicheſa ap  
 in mbrobuſo, ocup ip eo ip acpa borblaſap ann, biſ ac  
 acpa pasc ap, ocup cinoti aſoi nap vlig ni ve, ip cuic pscit  
 uat, ocup enecclann, ocup pasc po ni do nimet.

**Ma** robi a tucpna coip vlig, ip cuic pscit uat, ocup pasc  
 po ni do nimet, ocup noco nuil enecclann.

**Ma** pabu cinoti leiſ coip vliged, ip cuic pscit uat i  
 tpepceſ tap vliged.

**Map** acpa borblaſap do pſne in pscipmann toicheſa ap

<sup>1</sup> *The man outside.* That is the creditor, or plaintiff in a suit.

<sup>2</sup> *Was certain.*—For 'nap' C. 1686, reads 'po.'



If it was his belief that the debts were not then due from him, it (*the fine*) is five 'seds' from him, and the debts for which he (*the surety*) was *security* are to be paid for him, but there is no double of debts and there is no honor-price.

If he was certain that the debts were not due from him at that time, it (*the fine*) is five 'seds' for not having tendered them; and there was no offer of law to the man outside<sup>1</sup> in any instance of these; and if it had been offered, the man outside would then be *like* "the person who fasts after tender of his right."

It is then it is a case of "full 'eric'-fine goes upon both sides to the creditor," when the creditor went to sue the debtor at the proper time for payment, and the debtor absconded, and he (*the debtor*) at the same time was certain<sup>2</sup> that the debts were then due from him, and he (*the creditor*) went afterwards to sue the surety, and the surety *also* absconded; there is full 'eric'-fine *due* from each of them to the creditor.

It is then it is a case of "full 'eric'-fine goes on both sides to the debtor," when the creditor has brought a suit of severity against him, and the surety has brought a suit of severity against him; full 'eric'-fine *is due* from each of them to the debtor.

It is then it is a case of "full 'eric'-fine goes on both sides to the surety," when the creditor brought a suit of severity against him, and the surety went after this to sue the debtor at the proper time for payment, and the debtor absconded; full 'eric'-fine *is due* from each of them to the surety.

If it was an unjust suit the creditor brought against the debtor, (and "unjust suit" means to demand a debt of him, when he (*the creditor*) was certain that nothing was due from him), five 'seds' are *due* from him and honor-price, and fine according to the length he has gone.

If it was his belief that he (*the defendant*) owed him a debt, five 'seds' are *due* from him, and fine according to the length he has proceeded, but there is no honor-price.

If he was certain that he (*the defendant*) owed it, five 'seds' are *due* from him for fasting beyond law.

If it was an unjust suit the plaintiff brought against the

**THE BOOK OF ANNA.** in tpebuiy, ocur ipeao iſ acpa bopblačay ann bič vo ac acpa tpebuipečta ay ocur cinoči aoci na večaro pe lañh, iſ cuic peoit uao ocur enecclann, ocur pjač po ni vo nimet.

Ma pobi a tuiery co paibi, iſ cuic peoit uao, ocur pjač po ni vo nimet, ocur ni uil enecclann.

Ma paba cinoči leiſ co paibi, iſ cuic peoit uao a tpoſ-cuo tap vligeth.

Maſa acpa bopblačay vo pune in tpebuiy ap in mbro-buič, ocur iſ eo iſ acpa bopblačay ann bič vo ac acpa tpebuipe ay, ocur a cinoči aoci na večaro ay, iſ cuic peoit uao, ocur enecclann, ocur ni uil pjač po ni vo nimet.

Ma pobi a tuiery cor vliž, iſ cuic peoit uao, ocur ni uil enecclann, ocur ni uil pjač po ni vo nimet.

Ma paba cinoči leiſ cu paibi ay, iſ cuic peoit uao i tpoſcuro tap vligeth.

Tapſur vligeth in cach inao vob; uayr manne tappečta, po bas a va niovligeo aižib i naižib.

Muilluo con.

.1. maſa coonač vo pune in inmuilluo, iſlan cu ano, ocur pjač po aicneo a pačta ap in coonač, ocur iſ e in pjač rin; lan pjač ina inmuilluo po epoo inoilyio i pičt epuro inoilyig; leč pjač ina inmuilluo po epoo inoilyig i pičt epuro vilyig; aičgin ina inmuilluo po epoo neich aile i pičt a epuro bodein; ocur maſa in aile po gaburcay, iſlan peſ in inmuilluo, ocur eipic po bičbinčs poſ in coin .1. leč pjač po bičbinčs poſ in coin, ocur puiyuo mepačt a hinmuilluo in leč aile ve.

Maſa gabaltaro in cu, ocur po veilygeth piao vo, ocur

surety *in the case*, (and unjust suit in the case means to sue him as having gone security when he *(the defendant)* is certain that he did not go security *for him*), five 'seds' are *due* from him and honor-price, and fine according to the length he has proceeded.

If it was his belief that he *(the defendant)* was *his surety*, five 'seds' are *due* from him, and fine according to the extent he has proceeded, but honor-price is not *due*.

If he was certain that he *(the defendant)* was *his surety*, five 'seds' are *due* from him for fasting beyond law.

If it was an unjust suit the surety brought against the defendant, (and unjust suit means his seeking securityship of him though he was certain he had not gone *security* for him), five 'seds' are *due* from him, and honor-price, but there is not a fine according to the extent he has proceeded.

If it was his belief that he was entitled *so to sue him*, five 'seds' are *due*, but honor-price is not *due*, and there is not a fine according to the extent to which he has proceeded.

If he was certain that he *(the defendant)* was his security, it *(the fine)* is five 'seds' for fasting beyond law.

Law was offered in each case of these; for if it had not been offered, there would be two illegalities face to face.

### Setting on a dog.

That is, if it is a sensible adult that incited it, the dog is exempt in the case, and *there is* a fine according to the nature of the motive upon the sensible adult, and these are the fines;<sup>a</sup> full fine for inciting it in pursuit<sup>b</sup> of cattle which he had no right to pursue, knowing them to be such;<sup>c</sup> half-fine for inciting it in pursuit of cattle which he had no right to pursue, thinking that he had the right;<sup>d</sup> compensation for inciting it in pursuit of the cattle of another person thinking them his own; *but if he incited it in pursuit of his own cattle*, and if it *(the dog)* has seized the cattle of another, the man who has incited it *in the pursuit* is exempt, and 'eric'-fine according to its viciousness *is imposed* upon the dog, i.e., half-fine according to its wickedness *is imposed* upon the dog, and the excitement of its being set on takes the other half off it.

If the dog be a hunter, and a deer was singled out for it,

<sup>a</sup> Ir. *This is the fine.*

<sup>b</sup> Ir. *after.*

<sup>c</sup> Ir. *Cattle of an unlawful person, in the shape of cattle of an unlawful person.*

<sup>d</sup> Ir. *Cattle of an unlawful person in the shape of cattle of a lawful person.*

**The Book** 17. e in pite po veiligso vo po gab, irlan in cu ann, ocay  
**Ann.** fiaf po anesb a pata ap in cotnach.

Maſa gabaltaro in cu, ocay po veiligso m vo, ocay m  
he in m po veiligro vo po gab, irlan pax mmanilla ann,  
C. 1087. ocay lan fiaf po anesb a biſinai ap in com, [i. Let fiaf  
po a biſinai ap in com, ocay paxpo mppact a hin-  
milla in let oile vi.]

C. 1097. Maſa gabaltaro in cu, ocay m po veiligso m vo, [no] maſa  
fu naſ gabaltaro hi, ce pa veiligso cen cop veiligso m vi,  
C. 1097. irlan in cu ann; [ocay] fiaf po anesb a pata ap in cotnach.  
Ocup 17 e in pich 17 in; lan fiaf ina mmanilla po cpot m-  
vilry; i puct cpuro mvolry, no po cpot mvolry ina puct  
bodein, no po cpot mvolry ocay cpot mvolry aile po ga-  
burcar; let fiaf ina mmanilla po cpot mvolry; i puct cpuro  
vilry, no po cpot vilry ocay cpot mvolry po gaburcar.  
Oichyn ina mmanilla po cpot neic aile; i puct a cpuro  
poin, no po cpot poin ocay cpot neich aile po gaburcar.

C. 2515, &c. [Maſa mac a nair ica let vire vo pinne in mmanilla,  
ceſraime vire ocay oſpur comlan zu bar a torbad zin  
comgn; ocay ma ta comgn, 17 ceſraime vire ocay let  
oſpur.

Ceſra pectmat oſpur zu bar a neapac zin comgnim,  
ocay ma ta comgnim, 17 va pectmat ceſraime vire pe

<sup>1</sup> For injuring an idler. The Irish for this paragraph is printed as it was  
transcribed and lengthened out by Professor O'Curry.

<sup>2</sup> If there is no participation: i.e., if the idler had no share in the act.



and it was the deer which was singled out for it that it caught, the dog is exempt, and *there is* a fine according to the nature of the motive upon the sensible adult *who set it on*. THE BOOK  
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—

If the dog be a hunter, and a *particular* thing (*animal*) was singled out for it *to pursue*, and it was not the thing that was singled out for it it caught, the man who set it on is exempt, and a full fine according to the nature of its wickedness *is imposed* upon the dog, i.e., half-fine for its wickedness on the dog, and the excitement of its being set on takes the other half off it.

If the dog be a hunter, and no *particular* thing was singled out for it, or if it be a dog which is not a hunter, whether anything (*animal*) was or was not singled out for it, the dog is then exempt; and *there is* a fine according to the nature of the motive upon the sensible adult. And these are the fines: full fine for inciting it in pursuit of cattle which he had no right to pursue, knowing them to be such,<sup>a</sup> or in the pursuit of cattle which he had no right to pursue, as such,<sup>b</sup> or at cattle which he had no right to pursue, and it was other cattle which he had no right to pursue it has taken; half-fine *is imposed* for setting it in pursuit of cattle which he had no right to pursue, thinking that he had the right, or in the pursuit of cattle which he had a right to pursue, if it was cattle which he had no right to pursue, it (*the dog*) seized. Compensation *is to be made* for setting it at the cattle of another person, thinking them his own cattle, or at his own cattle, if it was the cattle of another person it has seized.

<sup>a</sup> Ir. Cattle of an unlawful person in the shape of cattle of an unlawful person.

<sup>b</sup> Ir. In their own shape.

If it was a youth at the age of paying half 'dire'-fine that caused the incitement, a fourth of 'dire'-fine and complete sick-maintenance until death, *is the fine* for *injuring* a profitable worker, if there is no participation;<sup>c</sup> but if there is participation, it (*the fine*) is one-fourth of 'dire'-fine and half sick-maintenance.

<sup>c</sup> Ir. Without participation.

Four-sevenths of sick-maintenance until death *are paid* for *injuring* an idler,<sup>1</sup> if there is no participation,<sup>2</sup> and if there is participation, it is two-sevenths of 'dire'-fine, with com-

**THE BOOK OF AICHEL.** **THE BOOK OF AICHEL.** **THE BOOK OF AICHEL.**  
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Marfa mac a nair ica aithgina do punne in inmuilleo,  
 va rectoraio othura gu bar a torpac gin comgnoih; ocu  
 ma ta comgnoih, ir rectoraio rectoraio othura gu bar a  
 neaprac gin comgnoim; ocu ma ta comgnoim ir in ceithama  
 rann des ceitha rectoraio aithgina iar mbar a ceitha  
 be, cib a torpac cib a neaprac, gin comgnoim; ocu ma ta  
 comgnoim, ir va rectoraio.

Ca cina a roich lan pata na mac gu othur no aithg,  
 cib in cuaille cib in inmuilleo, con reuire cu no cuaille  
 let in lain rin uib, ocu ni moate for coin na for cuaille,  
 act a let aithgin fein a torpac, ocu ceithama a  
 neaprac?

Garbe greim let aithgin in cu ceo cintach ag mac a nair  
 ica let uire, cib a let ne robu cib a let ne uaine; ocu ni  
 gab cib ru gin gur ru; ocu ni gab ag mac a nair ica  
 aithgina, act a let ne robu nama. Ocu ir ar faicir in  
 var mic do lan cothnae forera rin, cona plan cu uile.

No ir anu geidur greim a let ru uaine, in tan ir ru  
 let aithgin, ocu ni he no gab inai, gib oligar a gabail, a  
 let aithgin. No garbe greim let aithgina cib a let ne  
 uaine, ag mac a nair ica let uire; ocu ni gab ag mac a  
 nair ica aithgina, act a let ne robu nama, amail na beir  
 cin inmuillio; oir neapra do lan cothnae in lan ica mac a

<sup>1</sup> For an idler without participation. There is evidently a defect in the MS. here

pensionation for either of them *that is due*, whether for *injuring* THE BOOK OF AICILL.  
 a profitable worker or an idler who had no share in the deed;<sup>a</sup>  
 but if there is participation, it is one-fourth of 'dire'-fine  
*that shall be paid*, and half compensation. \*Ir. Without participation.

If it was a youth at the age of paying compensation that  
 caused the incitement, *he shall pay* two-sevenths of sick  
 maintenance till death for a profitable worker without par-  
 ticipation; and if there is participation, it is one-seventh of  
 the seventh of sick-maintenance till death; for an idler with-  
 out participation,<sup>1</sup> \*\*\* and if there is participation; \*\*\* it is  
 the one-fourteenth part of four-sevenths of compensation after  
 death for either of them, whether for a profitable worker or  
 an idler, without participation; and if there be participation,  
 it (*the fine*) is two sevenths.

*In* what crimes wherein the full fine for motive, of the  
 youths, extends to sick maintenance or compensation,  
 whether respecting a stake or respecting the incitement of  
 a dog, does the dog or the stake take off the half of that  
 full *liability* from them, and there is not more *imposed*  
 upon the dog or upon the stake, than its own half compen-  
 sation for a profitable worker, and one-fourth for an idler?

The dog of first crime gives a claim<sup>b</sup> for half compensation  
*when* with a youth at the age of paying half 'dire'-fine,  
 whether with respect to beasts or with respect to persons;  
 and it does not *give a claim*, whether it is worth it (*half*  
*compensation*) or not; and it does not *give a claim when*  
 with a youth at the age of paying compensation, except  
 with respect to beasts only. And the reason of this is, that  
 the second youth was seen by fully sensible adults, so that  
 the dog is fully exempt. <sup>b</sup> Ir. Takes effect.

Or, *according to others*, it is then it gives a claim with  
 respect to a person, when it is worth half compensation,  
 and half compensation was not accepted, though he ought  
 to accept it. Or, *according to others*, it (*the dog*) gives  
 the claim of half compensation even with respect to a person,  
*when it is* with a youth at the age of paying half 'dire'-fine;  
 but it gives it not, when with a youth at the age of paying  
 compensation, except with respect to beasts only, as if it had  
 not been incited; for the full *fine* which a youth pays at the

**The Book** naur ica leť vipo na in lan icur mac  
**of** oip gať coťmatcau a mbia pop inmuil  
**Annals.** oaur gať egoťmatcau a ambia pop inmuil  
 cu.

Ciť be egoťnať uile po inmuilleo  
 oaur paur rin paur po poťlať, iť piach  
 in egoťnať, aťt ni beaur cu be .i. leť  
 topbať oaur a pob, oaur ceatpame oť  
 neaurbať.

Munab purin po poťlať in cú, iť  
 oaur leť piach po biťbinihi pop in coin;  
 paťt inmuillib leť aile vi.

Munap turbpoptaró na mic vo iťir, iť leť  
 coin annrin a topbať oaur a pop, oaur  
 no oťpaur i neaurpať; oaur piach a paťa  
 trin amach.

Ĝabaltaiĝ rin uile, ciť aĝ coťnať ciť aĝ ecoťnať.

Slan imorpo, in cu nať ĝabaltaiĝi aĝ coťnať, cia po  
 heaurbať ĝin ĝur heaurbať, oaur piach a paťa o trin  
 amach pop coťnať. No ono, ciť be ecoťnať uile po inmu-  
 illey in cu nať ĝabaltaiĝi, cia po heaurbať cin ĝur heaurbať,  
 iť leť aĩťin pop coin annrin i topbať oaur a pob, oaur  
 ceithpame aĩťina no oťpaur i neaurpať; oaur piach a paťa  
 o trin amach pop an epať.

Oaur gať cin iť compaito aĝ na macaib, in ceťpame  
 nať icpa cú no cuaille ime iť pop mic tet, oaur ni tět iť  
 na poťlaib eĩť[et] aile, aťt a vult pe lap.

<sup>1</sup> Upon the non-sensible person. The Irish here is 'an epať,' 'the idler,' the sense however seems to require 'an ecoťnať' 'the non-sensible person.'



age of paying half 'dire'-fine is nearer to the full *fine* of a THE BOOK OF AICILL. sensible adult than the full *fine* which the youth at the age of paying compensation pays, for the more sensible the inciter is the more lawful the dog, and the less sensible the inciter is the more unlawful the dog.

Whatever non-sensible person incited the dog of chase, and it committed trespass against that very person, there is a fine according to the motive upon the non-sensible person, except the part of it which the dog bears i.e., half compensation *is paid* by the owner of the dog for *injury* to a profitable worker or a beast, and one-fourth of sick-maintenance or of compensation for *injury* to an idler.

If it was not against him the dog committed the trespass, the youth<sup>a</sup> is exempt in the case, and half fine according to \* Ir. Youths. its viciousness *is imposed* upon the dog; and the excitement of being set on takes the other half off it.

If the youths did not incite it (*the dog of chase*) at all, it is half compensation *that shall be due* from the owner of the dog in that case for *injury* to a profitable worker and a beast, and one-fourth of compensation or of sick-maintenance for *injury* to an idler; and a fine according to the motive *is imposed* upon the youths from that out.

These are all dogs of chase, whether *they be* with a sensible adult or with a non-sensible person.

But the hound which is not a dog of chase is exempt *when* with a sensible adult, whether it was ordered or not ordered, and a fine according to his motive *is imposed* upon the sensible adult from that out. Or else, *according to others*, whatever non-sensible person incites the hound that is not a dog of chase, whether it was ordered or not ordered, it is half compensation *that shall be paid* by the owner of the dog in that case for a profitable worker and a beast, and one-fourth of compensation or of sick maintenance for an idler; and a fine according to his motive *is imposed* upon the non-sensible person<sup>1</sup> from that out.

And *in* every intentional crime on the part of the youths, the fourth which the owner of the dog or of the stake would pay falls upon the youths; and it does not fall *upon them* in the other 'eitgedh'-trespasses, but falls to the ground.

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of  
Annals.** Mar gabaltawgo in cu, ocur po veileſt  
tawp, iſlan cu ann, ocur pae a pata ap.<sup>1</sup>

Mar ap vawga mapbta iſ lan pae  
erpa, iſ leſ pae. Mar ap vawga mapb  
iſ annal inoebir torba um aithga.

Mar gabaltawch in cu, ocur po veileſt  
gabawtawp, iſlan in coſonaſ ann, ocur p  
in coia, ocur iſguire merpaeſt a hramuſl

Mar gabaltawſt an cū, ocur nſr ve  
veileſt, manab ocabaltawſt an cu, iſlan cu  
pata ap an coſonaſ.

Al hawinnit fir na con ſawg nech an  
mapbaw mapſt vo cſoſ an fir beſur.

Mar inmuſlſeo compaiti an coſonaſ, la  
pe taoſt oſtupa ſo bar, ciſ a torbaſt ci  
pob; ocur lan coſpoupe pe taoſt aithgin  
mbar; ocur lan noſpe iſ na ſeotaiſ  
aithgin.

Mar inmuſlſeo erpa an coſonaſ, oſtſu  
a neſpaſt, ocur leſt vſpe na cneſe; ocur  
torbaſt ocur a pob, ocur leſt coſpoupe  
torbaſt ciſ a neſpaſt, la taoſt aithgina;  
haiſgin iſar mbar iſ na ſetaiſ.

Mar inmuſlſeo innoebir torba ar

<sup>1</sup> The man who brings it.—The MS. is defect

If the hound is a dog of chase, and it (*the prey*) was singled out for it, and it seized *the prey*, the dog is exempt in the case, and a fine according to his motive *is imposed* on the sensible adult.

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If it was for the purpose of killing *he incited the dog*, it (*the penalty*) is full fine. If it was for the purpose of sport, it (*the penalty*) is half fine. If it was for the purpose of killing a particular animal, it is like a case of unnecessary profit with respect to compensation.

If the hound is a dog of chase, and it (*an animal*) was singled out for it, and it was not it (*that particular animal*) seized, the sensible adult is exempt in the case, and a fine according to its viciousness *is imposed* upon the hound, and the excitement of its being set on takes one-half off it.

If the hound is a dog of chase, and it (*the particular animal*) was not singled out for it, or even if it was singled out, unless the hound is a dog of chase, the hound is exempt in the case, and a fine according to his motive *is imposed* upon the sensible adult.

With the knowledge of the owner of the hound another brought the hound with him to kill a beef of the cattle of the man who brings it ' . . . . .

If it was an intentional incitement by\* the sensible adult, \*Ir. of. *he shall pay* full 'dire'-fine for the wound *inflicted* besides sick-maintenance till death, whether for a profitable worker or an idler or a beast; and full body-fine besides compensation for persons, after death; and full 'dire'-fine and compensation for the 'seds' after death.

If it was an incitement through idleness (*sport*) on the part of the sensible adult, *he shall pay* full sick maintenance till death for *injury* to an idler, and half 'dire'-fine for the wound *inflicted*; and complete sick-maintenance for a profitable worker and a beast, and half body-fine after death, whether for *injury* to a profitable worker or an idler, besides compensation; and half 'dire'-fine with compensation after death for the 'seds.'

If it was an incitement for unnecessary profit *that was made* by\* the sensible adult, *the penalty is* complete sick-

**The Book** comlan a topbaē ocyr a pob, ocyr let oēp a neppaē  
**of** **Angels.** **Go** bar rin, ocyr na panna, ceond vathgyn iap mēay.

Gaē banle iŕlan cu aŕ coēnaē atant ŕeich ŕap aŕ egeō-  
 naē, gaē banle atant ŕeich ŕap aŕ coēnaē atant na ŕaē  
 ceona ŕap aŕ ēgeōnach, no ŕeich iŕ mo anay.]

### Cofc da ŕiaw.

.1. maŕa coēnaē do ŕine in cofc do ŕiaw tŕia compai, ocyr cinoti co tairiŕea he, iŕ aithgin ann ocyr viablaē ocyr enecclann. Maŕa cunnatabairt i tairiŕea no na tairiŕea, iŕ let aithgin ocyr let viablaē ocyr let enecclann. Maŕa cinoti co na tairiŕea, iŕlan a ēofc.

Maŕ tŕia eŕba, ocyr cinoti co tairiŕea, iŕ aithgin ocyr let viablaē. Maŕa cunnatabairt i tairiŕea no na tairiŕea, iŕ let aithgin ocyr cethŕuimti viablaē. Maŕa cinoti co na tairiŕea, iŕlan a ēofc.

Maŕ tŕia indeiēbire topba, ocyr cinoti co tairiŕea, iŕ aithgin. Maŕa cunnatabairt in tairiŕea no na tairiŕea, iŕ let aithgin. Maŕa cinoti co na tairiŕea, iŕlan a ēofc.

Maŕa mac in aer ica let ŕine do ŕine in cofc do ŕiaw tŕe compai, ocyr cinoti co tairiŕea he, iŕ aithgin ann, ocyr let viablaē, ocyr let enecclann. Maŕa cunnatabairt, iŕ let aithgin, ocyr cethŕuimti enecclanne, ocyr ceth-



maintenance till death for *injury* to a profitable worker and a beast, and half sick-maintenance for *injury* to an idler. This is until death *ensues*, and the same divisions of compensation are made after death.

THE BOOK  
OF  
AICILL.  
—

Wherever a hound is exempt *when* with a sensible adult, it is subject to fines<sup>a</sup> *when* with a non-sensible person; and wherever it is subject to fines<sup>a</sup> *when* with a sensible adult, it is subject to the same fines *when* with a non-sensible adult, or to greater fines than they.

<sup>a</sup> Ir. Fines  
are upon it.

To check it from its deer.

That is, if it be a sensible adult that intentionally checked it (*the dog*) from a deer, and it was certain that it (*the deer*) would have been caught, it is compensation and double and honor-price *he has to pay* for it. If it be doubtful whether it would have been caught or not, it is half compensation and half double and half honor-price *he has to pay* for it. If it be certain that it would not have been caught, it is safe to check it.

If it was through idleness *he checked the dog*, and it was certain that it (*the deer*) would have been caught, it is compensation and half double *he has to pay*. If it were doubtful whether it would have been caught or not, it (*the penalty*) is half compensation, and one quarter of double. If it be certain that it would not have been caught, it is safe to check it.

If it was for unnecessary profit *he checked the dog*, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is half compensation. If it be certain that it would not have been caught, it is safe to check it.

If it was a youth at the age of paying half 'dire'-fine that caused the check to *the pursuit* of a deer intentionally, and it was certain that it would have been caught, it (*the penalty*) is compensation, and half double, and half honor-price. If it were doubtful *whether the deer would have been caught*, it (*the penalty*) is half compensation, and one-fourth of honor-price, and one-fourth of double. If it be certain that it



would not have been caught, it is safe to check it (*the hound*). THE BOOK  
OF  
AICILL.

If it was for unnecessary profit, and it was certain it (*the deer*) would have been caught, it (*the penalty*) is three-fourths of compensation in the case. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is one-fourth and one-eighth. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

If it was a youth at the age of paying compensation, that intentionally caused the check to *the pursuit* of a deer, and it was certain that it would have been caught, it (*the penalty*) is compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is half compensation.

If it was through idleness, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is three-fourths<sup>1</sup> of compensation. If it were doubtful whether it would have been caught or would not have been caught, it (*the penalty*) is one-fourth and one-eighth. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

If it was for unnecessary profit *the check was caused*, and it was certain that it (*the deer*) would have been caught, it (*the penalty*) is half compensation for it. If it were doubtful whether it would have been caught or would not have been caught, it is one-fourth compensation *he pays* for it. If it be certain that it would not have been caught, it is safe to check it (*the hound*).

What is the reason *that there is* diminution of this compensation at all, and that it is said in the other place: "compensation is not lessened when there is any portion of 'dire'-fine accompanying it"? The reason is; the compensation in that case relates to a thing which a person undoubtedly possessed<sup>a</sup> at another time, and of which his hand had been emptied; and it is right that there should be no diminution of the compensation after a portion of the 'dire'-fine has been paid him. Here, however, though it is established that a person should have this compensation *for the deer*, yet it is not known for

<sup>a</sup> Ir. *That was a compensation which a person had.*

**The Bore  
or  
Awele.** cora ce na beſ uibore aſſe; ocur ʒ ar ʒabare a uibore,  
caſ canatabare ʒare[1] ʒua compare corſare. a ʒe  
— ʒ archa ʒo compare ʒo coraſ.

**a. 1694.** Caran luan; [lemnach la car].

.1. mar ʒur na neib inoſer lebar ʒo car ʒat, ocur  
ni ʒa ʒenare, ʒlan ʒo can ni uro aſt archa.

Mar ʒur na neib inoſer lebar ʒo car ʒat, ocur  
ʒo ʒennurcar, no mar ʒe neib ale naſ inoſenn lebar,  
ce ʒo ʒennurcar, cen cor ʒennurcar, ʒ lan ʒaſ ʒat ʒe  
aro.

**ʒuante laro ʒat a ʒuaro.**

.1. na huile cenn ocur coibelaſ ʒo bi ʒ ʒaronare na  
inna ac a ʒreſ ʒaen ʒur ʒo ʒaill, no ar eoſ ʒ maſaru, no ʒ  
lunſ no neſar ʒor uſar, ʒ ararſi orro o ʒa ʒe ceſſe  
nuaru ʒichit imach, ocur nocon ʒuil enecann ʒic ʒu.

Cach oen ʒib na ʒaibi ar arſo noco nararſi orro no  
co ʒabat ʒe ʒe nſechmarſe ʒ nararſi, ocur enecann ʒic  
ʒu; no ʒono, o ʒa ʒaro oen no ʒea ʒib ʒ nararſi ineoſ  
ʒama ʒur in ʒurraſm ʒo ʒenum, com ararſi orro uile o  
ʒa ceſſe uare ʒichit imach; uar ʒ aenach cuſrmſeſ  
comararſi hi, ocur ʒeibſ ʒreim urraſma o ʒar ʒ nararſi.

**Alchliſib.**

**C. 1695.** .1. in nuillſu; aſt ma ʒangatar na cneſa ʒur ʒe ʒe nu-  
baille, ocur ni mo in cneſ ʒeſinaſ ina in cet cneſ, ʒlan  
aſt ʒaro ocur ʒiaſ [o ʒur ʒerana na cneſi], ocur ʒeſer  
ʒeolaiſ o ʒiaſ.

<sup>1</sup> Bear with me; new-milk with a cat.—C. 1694 adds an explanation of these clauses, which would seem to belong to the next article. The words are said to



certain whether he could have *caught* it or not, and it is right that there should be a diminution of it *according to the probability of his not having caught it*; and its diminution is inferred from, "In every doubtful chase checked by design, its 'dire'-fine and its compensation are to be similarly divided."

THE BOOK  
OF  
AICILL.  
—

Beer with me; new-milk with a cat.<sup>1</sup>

That is, if it was for the things which the book mentions he consumed them, and *if* he did not deny it, he is exempt from *paying* anything except compensation.

If it was for the things which the book mentions they were consumed, and *if* he denied it, or if it was for other things which the book does not mention, whether he denied it or did not deny it, full fine for theft is to be paid in the case.

Grainne eloped with thee, O Lughaidh.

That is, every chief and relative who was present when the woman was taken by a<sup>a</sup> man into a wood, or *with him* upon a horse in a plain, or in a ship or in a boat upon the water, is held to have consented<sup>b</sup> *unless he objects* within twenty-four hours, and honor-price is not to be paid them, *unless they object*.

<sup>a</sup> Ir. *One.*

<sup>b</sup> Ir. *It is binding on them.*

Every one of them who was not present is not held to have consented until he<sup>c</sup> has been cognizant of it for the space of ten days, and honor-price is to be paid to them; or indeed, *according to others*, when one or two of them who are competent to make the contract of marriage are cognizant of it, it is binding on them all from twenty-four hours out; for, it is a case of "an alehouse or a fair are an acknowledgment," and it (*their consent*) has the effect of a contract when they are cognizant of it.

<sup>c</sup> Ir. *They.*

Consequences.

That is, the bleeding; but if the wounds broke out afresh<sup>d</sup> during the testing-time, and the last wound is not greater than the first wound, the man who inflicted the wound is exempt, but *he must supply* food and a physician, and the cure *must be gratis* by the physician.

<sup>d</sup> Ir. *Came against him.*

have been spoken by Cormac Ua Cuinn to Lughaidh, son of the King of Connaught, or according to others, by Cairbre Lipheachair, son of Cormac, when defending his foster-brother.

The Book  
of  
Annals.

Μαγα το in cnet deidinač ina cet cnet, puilleo pe  
coirpcoipe na cet cneti co poib coirpcoipi na cneti deid-  
enče ann; ocur puilleo pe los ođpara na cet cneti co poib  
los ođpara na cneti deidenče ann; ocur puilleo loigidečta  
do liag. The puirpese archeis na cneti bunaid, na  
cneti peintečtaig, tainic pī ann pī iat, ocur ni the  
puirpese o počleigir co pī no can pī do liag. Maγ the  
puirpese o počleigir co pī do liag, noca nūl pe niubaile  
oatpogao pī, ačt a ie do liag do gner, amail no pepao o  
laim [budoen].

c. 1994.

Maγ the puirpese o počleigir cen pī do liag, ačt maγ  
pe pe niubaile tancatar pī iat, ip eipic sic do liag ann  
po acneč mīdais tēta no etēta, co trebuiū no cen tre-  
buiū; maγ iap pe niubaile, iplan.

Uro bliadain.

Bo tri,  
Fīu tpen deporc cinto;  
Con coirci oirunn  
Trachtar bepla binto;  
Oen ant fīu deporc laime,  
Do na bi iapraig,  
Aīberar fīu deporc coiri  
Treimī fīu bliadain.

Nae mīr fīu deporc in čuip olčena; ocur in tainm-  
rainoi oimarepaiu ata do deporc cinto no coiri in duine  
peč deporc in cuip olčena, corab e in tainmpainoi pīn  
oimarepaiu ber de deporc cinto no coiri in puib peč  
deporc a cuip olčena.

<sup>1</sup> For the full testing of the head.—This seems to mean, that if the skull has been fractured. it will take three years to test whether the physician has made a good cure of it or not.

If the wound be greater than it had been at first,\* addition is to be made to the body-fine for the first wound till it amounts to the body-fine of the last wound; and addition is to be made to the allowance for the sick-maintenance of the first wound till it amounts to the sick-maintenance of the second wound; and an additional fee *is to be given* to the physician. It was in consequence of the dangerous nature of the original wound, the previous wound, that it broke out afresh<sup>b</sup> in this case, and it was not in consequence of bad curing, with the knowledge or without the knowledge of the physician. *But* if it had been in consequence of bad curing, with the knowledge of the physician, there is no testing time to be taken into consideration, but it (*the penalty*) is always to be paid by the physician, just as if he had inflicted it (*the wound*) with his own hand.

If it was in consequence of bad curing, without the knowledge of the physician, and if it was within the testing-time they (*the wounds*) broke out afresh<sup>b</sup>, 'eric'-fine is to be paid by the physician according to his character of lawful or unlawful physician, whether he has taken security or not<sup>c</sup>; if it be after testing-time, he is exempt.

There is a year.

*There is a year thrice,  
For the full testing of the head;<sup>1</sup>  
As teaches concerning it<sup>2</sup>  
A tract of the sweet Berla-speech;  
One year for the testing of the hand,  
After which there is no demand;  
There is said to be for the testing of the leg,  
A short period along with a year.*

Nine months *is the time* for testing the body generally; and the proportion in which the testing-time for the head or for the leg of a human being exceeds the testing-time for his body generally, is the proportion in which the testing-time for the head or for the leg of an animal exceeds the testing time for its body generally.

<sup>1</sup> *As it is taught concerning it.*—For "con τοις τοις πῦνν" of the text, C. 1696 has "con τοις τοις πῦνν;" for "τραχτασ," "τραττασ;" for "ιαηαῖς," "ιαηαῖ;" and for "αῖβηαῖ," "αῖβηαῖ."

THE BOOK  
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\* Ir. If the  
last wound  
be greater  
than the  
first  
wound.

<sup>b</sup> Ir. Came  
against  
him.

<sup>c</sup> Ir. With  
security  
or without  
security.





## Who gets honor-price ?

THE BOOK  
OF  
AICILL.  
—

That is, what is the honor-price that is sought for the wounds ?

The kinds of 'eitgedh'-crime are enumerated :<sup>1</sup>

Sick-maintenance is a worthy compensation.

Repeat quickly the right rule,

As to what a person is entitled to

For every unlawful\* injury

That is on him inflicted.

\* Ir. Unne-  
cessary.

Three 'eric'-fines are counselled ;

There is paid full compensation,

And fair honest body-fine ;

And honor-price is paid,

After noble examples,

One end to another ;

Just payment for the white blow ;

Just 'airer'-fine is exacted

For the foul lump-blow.

So it is one that sues for every

Green fierce wound.

At a fourth of honor-price *is valued**All* blood shed through anger ;

Fines of one-third are incurred

For each tent-needing wound.

Sick-maintenance involves after fines ;

Honor-price and a half

For each maim which refesters ;

So that it is proper body-fine

That is adjudged for every one.

The great 'eric'-fine and that for compensation,

Are not to be avoided ;

If defence be not made for one

Whom necessity protects ;

So as they have not taken up wretches

To whom no mercy is due.

The kinds of 'eitgedh'-crime are enumerated, i.e., the 'eric'-fines that are paid for the offence are enumerated.

formed portions of an ancient poem embodying law maxima. If this view be correct, they furnish incidental evidence of the great antiquity of parts at least of the text of the Book of Aicill.

[illegible][illegible]

Օստրոնովն ևս բեժեալիս զառ թրոսք, յ. լոց անձ ոտք  
տրսաւ ևս քաղաքի մ Եւր յօ զբաժանցս ար.

Յուրաքանչեւ Ինքնիշխան Հայաստանի Հանրապետության Կոնստիտուցիայի 10-րդ հոդվածի 1-ին մասի համաձայն՝ ՀՀ Կոնստիտուցիայի 10-րդ հոդվածի 1-ին մասի համաձայն՝ ՀՀ Կոնստիտուցիայի 10-րդ հոդվածի 1-ին մասի համաձայն՝

[illegible]

Conio aen iorais ead elar gnobais dairh. i. r ann coare  
maro roval onedannu ioraisgar in ead gnogad, no crb in ead pognal  
to niter tre pogn.

**Շօ շտրամէաւ Եղեւանոյ բորժար բօլա էրբ բօրք. .1. Ե**  
**շտրամէաւ Եղեւանոյ Ի ա քսիլ բորժար էրբ բաւ բօրք ար ուշ.**

Քիսկի տարածքի և զանազան հատվածների մասին տեղեկությունները համապատասխանում են հետևյալը՝

Անիտ օտար իտոսիցի; enecianann co let in caē cpoliḡi  
 cūaiṛo, .i. Ի՞ր իտոսոցի օղեգար ann չա առ[խ]օրսին սար օտարա .i.  
 չե՞տ enecianann Ի՞ր cpoliḡi cumailē; իսն չօց einēc քրեպար caē cpoliḡi  
 cūaiṛo .i. ար[խ]յութ իսն չօց eneciananni ո՞տ նեօ՞ իտ քա՞ ար .i. cpoliḡi  
 Երբ քրեպար ար.

Conio coir coirpoire concearta caé nae, .i. cu coirceartaigh  
caé eneclann aoidhrannaí roimhin in caé cneio re taob a coirpoirí ro  
roir éoir.

Օ՛րբ քեզ քիչ աշխոյն ու շարժարե, .1. քեզ դատար, օգր  
նոս շարժարե, ան աշխոյն ու քիչ օ՛րբ դատար լին .1. օգր  
նոս դատար.

Մառա թերուդար յումած յոմե թեւեւիւր, .i. մառա դաւ թեւեւիւր  
աւսեմուտու, յոյսս ողջաւ թեւեւ, .i. ու լո թո թեւեւ օղջաւ բոր արքա  
նա թոմե.

Աճտ ունի տրոյս տարգաւտ զոն տրոպաւո տի, յ. զոն տրոպաւո յար  
նա զնտաւիւն ուն հարաւ յօո, աճտ ունիւն ուն տարգաւտ ուն տրոյս ա տրոպաւո  
տիւն ա հիւստ.

<sup>1</sup> 'Recus'-compensation. Dr. O'Donovan conjectured that this meant complete 'eric'-fine.

Sick-maintenance is a worthy compensation, i.e., I deem it right to perform sick-maintenance when there is a wound, wherever there is only compensation due for a *case of unnecessary profit*. THE BOOK  
OF  
AICILL.

Repeat quickly the right rule, as to what a person is entitled to for every unlawful injury that is on him inflicted, i.e., tell quickly according to the right rule which thou hast, what a person is entitled to receive for every injury inflicted on him.

Three 'eric'-fines are counselled; there is paid full compensation, and fair honest body-fine, i.e., there are specified for the 'eric'-fine these three things, *viz.*, food and a physician and a substitute; and full compensation and 'recus'-compensation are imposed, and the body-fine which is due honestly according to justice.

And honor-price is paid after noble examples, i.e., honor-price is to be paid him honestly when he declares the indignity that has been put upon him.

One end to another, i.e., the end of the 'eric'-fine for the end of the injury.

Just payment for the white blow, i.e., it is justly ordained that the end of the honor-price is paid for the white blow.

Just mulct is paid for the foul lump-blow, i.e., the mulct is justly fixed at the seventh of honor-price to make amends for the lump-blow which it is unlawful to inflict upon a person.

So that it is one that sues for every green fierce wound, i.e., it is just that it is the same portion of honor-price that is sued for every indignity, or for every injury inflicted through anger.

*Ir. Length.*

At a fourth of honor-price is valued all blood shed through anger, i.e., at a fourth of honor-price is estimated the shedding of a person's blood through continuance<sup>b</sup> of anger.

Fines of one-third are incurred for each tent-needing wound, i.e., the fine which is imposed for the wounds which require a tent, is one-third of honor-price in each tent-wound of them.

Sick-maintenance involves after fines; honor-price and a half for every maim which refeaters, i.e., these are the additional after payments that are due in the case of the noble relief of sick-maintenance, *viz.*, half honor-price for the 'cumhal'-maim; full honor-price is paid for each maim that refeaters, i.e., the full amount of his honor-price is decreed to one after a proper manner in the case of a death-maim inflicted upon him.

So that it is proper body-fine that is adjudged for every one, i.e., so that every honor-price which we mentioned is adjudged for each wound besides their body-fine according to justice.

The great 'eric'-fine and that for compensation are not to be avoided, i.e., the 'recus'-compensation, and no deduction of it is made, but compensation is to be paid besides the great 'eric'-fine, i.e., sick-maintenance or fine for failure *unless performed*.

If defence be not made for one whom necessity protects, i.e., unless necessity existed to protect him when he destroys the body, i.e., he who brings destruction upon the body of a person.

So as they have not taken up wretches, to whom no mercy is due, i.e., there is to be no mercy to the criminals respecting these 'eric'-fines; but where they take up wretches who escape the payment *in consequence of their poverty*.

THE BOOK  
OF  
ANGLI,  
—

Fuatach diomairc.

C. 1703

.1. in bean fuataig; aét mar ap eicin pucaro imach hi, enecclann vic ríu fíon ann, ocur enecclann vic ríe cennair ocur ríe coibdelachair, ríe aicneó a coibdelachair ríu; ocur coirpóir vic iní, cío be oíreo, gnaó no ingnaó, éair amair hi; [cío galair cío do éirpéir, ír coirpóir ocur enecclann vic ríe ríe; ocur munab marb ír hi, ír enecclann vic ríe búr, ocur enecclann vic ríe ríe.

Mar tall do cuar ina gair ap eicin no ap eló, mara marb tall hi, mar don coirpéir ír marb hi, ír coirpóir ocur enecclann vic ríe ríe; ocur mar da galair eile, ír lan.]

Ma da deoin pucaro amach hi, rían can ní vic ríu fíon, ocur enecclann vic ríe cennair ocur ríe coibdelachair, ocur coirpóir vic iní; cío be oíreo gnaó no ingnaó éair imach hi, ríe in mór ocur ríe ríe in mór, ír coirpóir ocur enecclann vic ríe ríe.

C. 1703.

In clann do gentar ríu imach ríe in mór, ocur ríe ríe in mór, a níl ríe ríe mathair; ocur damar ail doib ríe, ocur mar ail doib, ná ríe; ocur da náríe, noco náríe ríe ríe oíreo oíreo a ríe co tuctar [a lan] ló a mbríe doib ríe a cenn; ocur o ríe béríe, ír íe ír clann cernuíníe ríe ann, no aóiríe ríe ríe.

Ocur caó uair ír ap eicin pucaro imach hi, ír a ríe ná ríe éair a in ríe no ná ríe íe; ocur da náríe, ríe ríe ríe in aóir a cennair.

Mar da deoin pucaro imach hi, ír a ríe in aóir a in cenníe íe no ná cenníe; ocur da náríe,

<sup>1</sup> *Within*—That is in her own native place.

<sup>2</sup> *Obliges the father*.—C. 1704 reads "ar a náiríe" for "ar in aóir."



## Abduction without leave.

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OF  
AICILL.  
—

That is, *as regards* the abducted woman ; if she was taken away by force, honor-price is to be paid to herself then, and honor-price is to be paid to her chiefs and her relatives, according to the nature of their relationship to her ; and body-fine is to be paid for her, whatever kind of death, usual or unusual, overtakes her outside ; whether *it be of* disease or of childbearing *she died*, body-fine and honor-price are to be paid to the family ; and if she has not died, honor-price is to be paid to herself, and honor-price is to be paid to the family.

If it was within<sup>1</sup> she was cohabited with by violence or by evasion, if she has died within, if it was of the childbearing she died, body-fine and honor-price are to be paid to the family ; and if it was of another disease *she died*, there is exemption.

If it was with her consent she was taken away, there is exemption from paying anything to herself, but honor-price is to be paid to her chiefs and to her relations, and body-fine is to be paid for her ; whatever death, usual or unusual, overtakes her outside, before a month or within the space of a month, body-fine and honor-price are to be paid to her family.

The children that are begotten by her outside before the month, or within the space of a month, belong by right to the family of the mother ; and if they like they sell them, and if they like they do not sell them ; and if they sell them, the law does not oblige them to sell them until the full price of their lives has been given them for them ; and when it has been given, they are *considered as* the children of a first wife of contract, or of an 'adaltrach'-woman of contract.

And whenever it is by force she was taken away, the family have their choice whether they will sell them (*her children*) or not sell them ; and if they sell them, the law obliges the father<sup>2</sup> to buy them.

If it was with her consent she was taken away, the father has his choice whether he will buy them (*her children*) or not buy them ; and if he will buy them, the law obliges the family

**THE BOOK OF ARCHA:** **—** upailio oligeo ar in finechairi a peic rir; ocup da tuotair do in airco iat, upailio oligeo air a leirugao, daig ir rochor do.

No dono čena, cio ar air cio ar eicin pucad amach hi, cu nupailenn oligeo ar in athair a cennach. Ocup ir ar gabair eirioe .i. maro baitepeč nach tuailing a toirco ocup polanng a cinad, ir arctui ir tečta a cor macpula ocup ranairi.

Čet maro čena, cač uair ir ar eicin pucad amach hi, ciamao e poža in athair a cennach, noco nupailio oligeo ar in fine a peic rir, ačt munub ail doib buruin.

In clann do gentar iarran mui, ocup co tigrat ar upailio noličig, ir iat [irbe] ir clann ceomunoirpe poail ann, no adaltraič poail, ocup ir oib ruiur poail tpuan [a corač].

C. 1704. [Mar ar eicin pucad amach hi, ocup ar maič pe fine po gob coibč, rmačt ceomunoirpe, no adaltraič vie ría, ocup rmačt adaltraič vic uaič mana tigrat po coraib; ocup tecar po coraib cona icann nač ní, ocup rmačt ceomunoirpe no adaltraič vic ría.

Mar da thoio pucad hi, cio ar maič cin cob ar maič pe fine ró gab coibce: no mar ar eicin, ocup ní har maič pe fine po gab coibče; rmačt adaltraič vic ría, ocup rmačt adaltraič vic uaičhe, mana tigrat po coraib; ocup [ma] tecar po coraib, cona hicunn nač ní, [ocup] rmačt adaltraič vic ría.

Manar gab coibče iur amuič, ocup ar maič pe fein no

<sup>1</sup> Or pay for her offences.—The MS. here has 'pol,' which Dr. O'Donovan lengthened out into 'polanng; 'poluc' is the reading of C. 1704.

<sup>2</sup> It is then.—For 'arctui' of the MS., Dr. O'Donovan suggested 'arctui;' the reading in C. 1704 is 'ruiugao,' and for 'a cor'—'accor.'

*of the mother* to sell them to him; and if they be given to him gratis, the law obliges him to educate them, because it is a good contract for him.

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OF  
AICILL.

Or else, indeed, *according to others*, whether it was with her consent or without her consent she had been taken away, the law obliges the father to buy them. And that is inferred from this: "That is, if she be a prostitute who is not able to provide for her own necessities or pay for her offences,<sup>1</sup> it is then<sup>2</sup> it is lawful to return the similar and the dissimilar."

But nevertheless, whenever it was by force she was taken away, though the father may choose to buy them (*the children*), the law does not oblige the family *of the mother* to sell them to him, unless it be their own pleasure.

The children that are begotten after the month, and until they come into a lawful contract, are *considered as* the children of a first wife of abduction, or of an 'adaltrach'-woman of abduction, and it is from them the abduction takes away one-third<sup>3</sup> of their share.

If it was by force she was carried away, and for the good of her family she accepted a 'coibche'-wedding-gift, the 'smacht'-fine of a first wife, or of an 'adaltrach'-woman is to be paid to her, and the 'smacht'-fine of an 'adaltrach'-woman is to be paid by her, if her contracts be not opposed; and if her contracts be opposed, she pays nothing, and the 'smacht'-fine of a first wife or of an 'adaltrach'-woman is to be paid to her.

If it was with her consent she was carried off, whether it was for the good of her family or not, she accepted a 'coibche'-wedding-gift; or if it was by force *she was carried off*, and it was not for the good of her family she accepted a 'coibche'-wedding-gift; the 'smacht'-fine of an 'adaltrach'-woman shall be paid to her, and the 'smacht'-fine of an 'adaltrach'-woman shall be paid by her, if her contracts be not opposed; and if her contracts be opposed, she pays nothing, and the 'smacht'-fine of an adaltrach is to be paid to her.

If she did not accept any 'coibche'-wedding-gift at all outside, and for her own good or *that* of her family,

<sup>3</sup> *Takes away one third.*—The copy of the "Book of Aicill" preserved among the MSS., E. 3-5, in T.C.D. Library, ends here.

The Book  
of  
Annals  
c. 1141.

pe fine, coirpóire a cneithi uic ría, amail po hieparthaí pe  
tuine naé lanamanda; ocur ír a poíá na fine aca in  
compar po bui [imuch] hí, in ben in ar fon aithne a  
gnimparó bíar dóib, no in a uilrí a ngnimparó fíir ocur  
gan fep do uil ina gnimparóir. Ocur ír ceóparó co  
mbóir apaeon dóib, .i. ben ar fon aithne a gnimparóir,  
ocur a uilrí a ngnimparó fíir, ocur gan fep do uil ina  
gnimparó, no co tairat apaeon pe oligeo. Noco níl  
aithneab poíá láin no leé no uairce no ceóparan  
eóiríu amail caé lanamain oligeo, no co ría rogail ;  
naipulnigeor eneclann, ocur ó ró ría rogail, a peíao  
cia ríir nōenno rogail ; aét mar in fep, nóeo nōenno naé  
ní ; mar pe neé eile, ír a íc von fíir, amail ícur in  
gacairí cirtu na feot nōenno gōin bíc aice amuíg.

Mar ba deoin pucad a feoit fein uairthi amuíg, cith  
ar ar eio ar éicin pucad amach hí, írlan gan ní uic pe fea  
ann, ocur leé uipe, ocur leé eneclann uic pe fine ír na  
petair, ocur ír é rin aen inao írin bepla a fuil uipe a  
feoit fein o tuine do neó eile ocur pe fein ar aipio.

Mar ar eicin pucad amach hí, ocur ar eicin pucad a  
feoit uairthi amuíg, ír aithne ocur lan eneclann ocur lan  
uipe uic pé fein ann, ocur eneclann uic pe fine.

Mar ba deoin pucad amach hí, ocur ar eicin pucad a  
feoit uairthi amuíg, eneclann uic pe fine ann, ocur aithne  
ocur lan uipe ocur lan eneclann uic ríarí péin. Ocur  
toéur etairfeartach uil aice anníin co nōenum maíeúra  
uē ; ocur mara toéur nemetairfeartach uil aice, no cith

<sup>1</sup> *Separable property*: Dr. O'Donovan's opinion was that this meant any kind of property which one could sell to another, or dispose of in any way; and that



the body-fine for her wound shall be paid her, as it would be paid to a person not in social connexion; and it is in the choice of her family whether they will have a woman *to work for them* as long as she was outside, as compensation for her work, or whether she will participate in<sup>a</sup> the work of the man, and the man will not participate in<sup>a</sup> her work. And it is an opinion of *lawyers* that they (*the family*) should have both, i.e., a woman by way of compensation for her work, and her participating in the work of the man, without the man's participating in her work, until both submit<sup>b</sup> to law. There is no consideration of full trespass or of half, or of a 'dairt'-heifer or of one-fourth between them, as in every lawful social connexion until it amounts to an injury for which honor-price is paid, and when it amounts to *this* injury, it is to be considered to whom the injury was done; and if it be to the man, she pays nothing; if it be to another person, it (*the fine*) is to be paid for by the man, as the thief pays for the trespasses of the stolen 'seds' while he has them outside.

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—

<sup>a</sup> Ir. *Go into.*

<sup>b</sup> Ir. *Come.*

If it was with her consent her own 'seds' were taken from her outside, whether it was with her own consent, or forcibly she had been carried out, it is safe not to pay anything to herself in the case, but half 'dire'-fine and half honor-price shall be paid to her family for the 'seds'; and this is the only place in the 'Berla'-laws where 'dire'-fine for his own 'seds' is due from a person to another, he himself being present.

If it was by violence she was carried out, and by violence her 'seds' were taken from her outside, compensation and full honor-price and full 'dire'-fine are to be paid to herself in the case, and honor-price is to be paid to her family.

If it was with her consent she had been carried out, and by force her 'seds' were taken from her outside, honor-price is to be paid to her family in the case, and compensation and full 'dire'-fine and full honor-price are to be paid to herself. And it is separable property<sup>1</sup> she has in this

inseparable property, on the other hand, meant what could not be given away to another or disposed of, such as genius, personal beauty, or any other natural endowment or acquired art, which a person could not take away from himself and give to another. It appears rather, that separable property was the *peculium* of the individual, while inseparable property was that which belonged to the tribe or family in common.

**THE BOOK** točur etarpcapach, nuna dena mač de, noča nuil nach ní  
**OF**  
**ARIEL.** vi ačt ačgin čep.

Mač va deoin pucato feoit na fine uatči amuiž, čič ap  
 ač čič ap eicin pucato amach hi, plan gan ní díc pač ann ;  
 ocur ačgin, ocur lan tpe, ocur lan eneclann díc pe fine.

Mač ap eicin pucato amach hi, ocur ap eicin pucato feoit  
 na fine uatči amuiž, ič eneclann díc pač ocur ačgin,  
 ocur lan tpe, ocur lan eneclann díc pe fine.

Mač va deoin pucato amach hi, ocur ap eicin pucato  
 feoit na fine uatči amuiž, ačgin ocur tpe ocur eneclann  
 díc pč in fine ann ; ocur leč eneclann díc pač, mač  
 točur etarpcapach uil aice co nvenum mačura de.  
 Mač točur nemetapcapach uil aice, no čič točur etar-  
 pcapach, manne den mač de, nočo nčuil nač ní dī.]

case, and she does good with it; but if it be inseparable THE BOOK OF AICILL. property she has, or though it be separable property, unless she does good with it, there is nothing *due* to her but just compensation.

If it was with her consent the 'seds' of the family were taken from her outside, whether it was with her consent or forcibly she had been carried out, it is safe not to pay her anything in the case; and compensation, and full 'dire'-fine, and full honor-price are to be paid to the family.

If it was by force she had been carried out, and by force the 'seds' of the family had been taken from her outside, then honor-price is to be paid to herself; and compensation, and full 'dire'-fine, and full honor-price *are* to be paid to the family.

If it was with her consent she had been carried out, and by force the 'seds' of the family were taken from her outside, compensation and 'dire'-fine and honor-price *are* to be paid to the family in the case; and half honor-price *is* to be paid to herself, if it is separable property she has, and does good with it. If it be inseparable property she has, or though it be separable property, unless she does good with it, there is nothing *due* to her *but just compensation*.

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APPENDIX.

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## APPENDIX.

### APPENDIX.

*Book of Aicill, pages 85-86.*

The following remarks as to the authorship of the original Book of Aicill are given in C. 895.

No, comatb e Cormac do neith é uile, ocur gomab e Centraelao do beirio glunfnaithe mltuata pa; ocur veirmepet ar:

Lechbret neitio, pax go li,  
Cormac Ua Guinn porpugni;  
In let eile iarmotha,  
Centraelao mac Oilella.

Da peppa oipeza tra centraelao mac Oilella. Iar na rgoitao ioin eath ir an do pigne uail porcatb.

*Pages 204-205.*

The substance of this article is thus given in C. 939, &c.

Ma po eunioig ri in biatb, ocur ni tucaro oi, ocur var leinon ir e a fer po gob in in mbiao anoro, ocur ir e pat ar na tucaro to co tog luairter impi, coirproure ocur eneclann ir in lenum .i. ofine a athar; ocur aithgin inotiri, ocur cumal ofine mathar, ocur coibde ocur eneclann don mna .i. ar pat marbta in leinib nama rin; ocur mar ar pat a marbta mar aen, in ben ocur in lenp, ir coirproure comlan inotib araen.

Mar ar oaign marbta in dapa de, ir coirproure inotirde, ocur aithgin araile.

Mar ar oaign erba, ocur ir e erba po bai aice a beirica eluiche .i. let coirproure ioin lenum, ocur aithgin inotirde, ocur let cumala ofine mathar, ocur coibde to

## APPENDIX.

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### APPENDIX.

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Or, *according to others*, it was Cormac that made (*composed*) the whole of it, and it was Cendfaeladh that put the poet's glosses upon it; and a proof thereof is :

Half the judgments of ' Etgedh,' cause of fame,  
Cormac, grandson of Conn, composed ;  
The other Half afterwards,  
Cendfaeladh, son of Oilell.

Cendfaeladh, son of Oilell, was indeed a remarkable person. After he (*i.e. his head*) had been split in the battle, it was then he composed the ' Duil Roscadh,' *i.e. the Book of Commentaries*.

If she asked for the food, and it was not given her, and methinks it was her husband that refused the food in this case, and the reason why it was not given her was that abortion might be brought about, body-fine, and honor-price *shall be paid* for the child, *i.e.* to the family of the father; and compensation *shall be paid* for her, and a ' cumhal' to the family of the mother, and a ' coibche'-wedding-gift and honor-price to the woman; that is, this was *when the food was refused* for the purpose of killing the child only; and if it was *refused* for the purpose of killing both the woman and the child, it is full body-fine *that shall be paid* for each of them.

If it was for the purpose of killing one of them, it (*the penalty*) is body-fine for her, and compensation for the other.

If it was for the purpose of sport, and the sport she had was to be at play with her, half 'dire'-fine is *due* for *killing* the child, and compensation to her, and half a ' cumhal' to the family of the mother. and a ' coibche'-wedding gift *is to be*

APPENDIX. քիւր Ի՛ն մնաւ, մարս եօ [1]. Օսիւր Ի [ա] Լե՛ քիւր Ի՛ն Լե՛նամ  
C. 1917. քօ Բա՛ Եր՛Բա անօրեւ, օսիւր Վա մա՛ Ե՛, քօ Բօ Եր՛Բա ԵօԼա  
ԵԼա՛ԽԵ, օսիւր Լան քիա՛ անօ.

C. 1917. Մար ար Վաճիւն Երե՛Բա[ԵԼա] քօ Երա՛ր քօ ԶօԲա՛ Ի՛ն Ի՛ն  
մԲա՛Բ, Ի՛ր անա՛ւ Ի՛նձե՛Բիւր ԵօրԲա Ի՛ն ա՛ԽԻճ Ի՛ն; ԵԼա՛ւ  
Եր՛նԵ ա՛Խար անօ, ԵԼա՛ւ Եր՛նԵ մա՛Խար, ԵօԲԵ՛ Ե՛ քիւր Ի՛ն  
մնա՛ւ.

Օ Լանամու՛Բա ա՛Խա քիւր, օսիւր մար օ Եր՛նԵ Դա՛ Լանամու՛Բա,  
Ի՛ր Ի՛նանօ Ի՛ն օսիւր քե՛ն, ա՛Խ, Զա՛ն ԵօԲԵ՛ օ Եր՛նԵ Դա՛ Լա՛ն-  
ա՛մա՛Բա, սար ՎԼԻճԵ ԵրԼա՛ն ԶրԵ.

C. 1918. Մանար Եւու՛նԻճ քիւր Ի՛ն Բա՛Բ, օսիւր Ի՛ր Ե քա՛ ար Դա՛ր Եւու՛նԻճ  
Եօ ԵօԼա՛ւարԵր սարք. 1. ար քա՛ մարԲԵ՛ Ի՛ն Լե՛նամ, 1. [Ի՛ր  
ԵօրքօրԵ օսիւր ԵԼա՛ւ Եր՛ն Լե՛նամ Եր՛նԵ ա՛Խար, օսիւր ԵօԲԵ՛  
քիւր Ե ԴԵ՛ քօ  
քիւր ա՛Խար; օսիւր ԵԼա՛ւ Ե՛ քօ քիւր մա՛Խար, օսիւր ԵօԲԵ՛  
օսիւր ԵԼա՛ւ Եր՛ն Եր՛ն Բա՛ԲԵ՛ն.

Մար ար Վաճիւն Եր՛Բա, օսիւր Ի՛ր Ե Եր՛Բա քօ Բա՛ ԵօԼԵ, Ե Բե՛  
ա՛Խ ԵԼա՛ԽԵ, օսիւր Դա՛ Եր՛Բա Ե Լե՛ քիւր Ի՛ն Լե՛նամ ա՛ԽրԻ. 1.  
Լե՛ ԵօրքօրԵ սարք Եր՛ն Լե՛նամ Եր՛նԵ ա՛Խար, օսիւր ԵօԲԵ՛  
օսիւր Լե՛ ԵԼա՛ւ Ե՛ քօ քիւր մա՛Խար, օսիւր ԵԼա՛ւ Եր՛ն Եր՛ն  
Եր՛ն Բա՛ԲԵ՛ն. Օսիւր Դա՛ Ե Լե՛ քիւր Ի՛ն Լե՛նամ քօ Բա՛ Ե  
Եր՛Բա ա՛ԽրԻ; օսիւր Վա՛մա՛ Եօ քօ Բա՛ Եր՛Բա ԵօԼա՛ ԵԼա՛ԽԻ  
օսիւր Լան քիա՛.

Մար ար Վաճիւն ԵԼա՛ր քօ Դա՛րԵ Դա՛ քօ Եւու՛նԻճ քիւր Ի՛ն  
C. 1918. Բա՛Բ, [Ի՛ր ա՛Խա՛ւ] Ի՛նձե՛Բիւր ԵօրԲա Ի՛ն ա՛ԽԻճ; ԵԼա՛ւ Եր՛նԵ  
ա՛Խար, օսիւր քե՛Խա՛ ԵԼա՛ւԵ Եր՛նԵ մա՛Խար, օսիւր ԵօԲԵ՛  
օսիւր ԵԼա՛ւ սա՛Խ Եր՛ն Բա՛ԲԵ՛ն: սար ՎԼԻճԵ ԵրԼա՛ւԵ  
սրքօրԵ, քիւր սրքօրԵ քօ քօրԵ՛ճԵ 1. քիւր քիւրքօրԵ Ի՛ն Ի՛ն  
Դա՛ԽԵւու՛նԻճ, քօ քօրԵ՛ճԵ Ի՛ն Ի՛ն Դա՛.

<sup>1</sup> Asking again. For "Ի՛ն Ի՛ն Դա՛ԽԵւու՛նԻճ" of C. 939, C. 1918, reads "Ի՛ն-  
Դա՛ԽԵւու՛նԻճ."



*paid* to the woman, if she survive.<sup>a</sup> And it was not with respect to the child her sport took place<sup>b</sup> then; and if it were, it would be a sport of foul play, and full fine *would be due* for it.

APPENDIX.

<sup>a</sup> Ir. *Be**living.*<sup>b</sup> Ir. *Was.*

If it was through penuriousness or niggardliness the food was withheld, it is like unnecessary profit as regards compensation for it (*the withholding*); a *cumhal* is to be paid to the family of the father for it, a *cumhal* to the family of the mother, and a 'coibche'-wedding gift is to be paid to the woman.

From a married man this is *due*; and if it be *the case* of a person who is not married, it (*the fine*) is the same, except that the 'coibche'-wedding gift is not obtained from a person who is not married, for "eslan' requires *warning*," &c.

If she did not ask for the food, and the reason why she did not ask for it was that there might be abortion, i.e. for the purpose of killing the child, body-fine and honor-price are *due* from her for the child, and they are to be paid to the family of the father; and a 'cumhal' is to be paid to the family of the mother, and her 'coibche'-wedding gift and honor-price to her own husband.

If it was for sport, and the sport she had was to be at play with her, and it was not sport with respect to the child, then i.e. half body-fine is *due* from her for the child to the family of the father, and 'coibche'-wedding gift, and half a 'cumhal' is to be paid to the family of the mother, and honor-price to her own husband. And her sport was not in respect of the child in this case; but if it were, it would be sport of foul play, and *there would be full fine for it*.

If it was through shyness or shame that she did not ask for the food, it (*the case*) is like unnecessary profit with respect to compensation; a 'cumhal' is *due* to the family of the father, and one-seventh of a 'cumhal' to the family of the mother, and 'coibche'-wedding gift and honor-price from her to her own husband; for "eslaine is entitled to warning, warning or proclamation is safe, i.e. warning is safe with respect to the asking again,<sup>1</sup> or proclamation with respect to that thing."

## APPENDIX.

Pages 252-253.

C. 952-3 gives the following on the subject of the ball.

Dla liathpoides loig ocuf poll ocuf loig.

1. iplan lim don ti buailir in liathpoides da luirg o  
poll na himana co loig na ghuirir, no o loig na ghuirir co  
loig na compainne, ne in poll a mbi cu ruigi in locc a  
mbi.

iplan do na macaib beca ruirir a cluiche co po icar  
poda do uipe na pobach.

Slan doib a pian cluichi co po icar aithgin na pobach;  
ar nic aithgina ina pobach ci. icar ina pian cluichi.

Sechtmaro othrua co bar i neirba. Sechtmaro othrua  
ocuf cuorunur sechtmaro lef uipe na eniwe i torba[c]  
rech erba; aet gunab a nothrua do formarcar. Ceitne  
sechtmaro naithgina i ceitar de iar mbar cio a torbae  
cio a neirbae.

Na ceitne sechtmaro rin fuil acas, tri sechtmaro ar  
reath uipe ano, ocuf sechtmaro ar reath naithgina i neir-  
ba[c] dar bo toil e. no i neirbae do nar bo tol, no in  
torbae po marbar ano.

Marba erba[c] dar bo tol, sechtmaro uipe do dul re lar  
ar reath tola comcluiche; sechtmaro uipe ocuf sechtmaro  
naithgina for per laime; sechtmaro uipe for lueth meoan  
cluiche.

Trian cota cae rin cotuicard oib a tormeic do bea  
for fellach, cenmotha cuit rin laime.

The exemption of the ball, hurlet, and hole, and place.

That is, I deem the person exempt *from liability* who strikes the ball with his hurlet from the hurling hole to the place of the 'grifid,' or from the place of the 'grifid' to the place of the division, or *from* the hole in which it is, until it reaches the place in which it *usually* is.

The little boys are exempt in their legitimate games until they *are of age* to pay a share of 'dire'-fine for their assaults.

They are exempt in their fair games until they *are of age* to pay compensation for their assaults; for they do not pay compensation for their assaults though they pay for their fair games.

One-seventh of *the price of sick-maintenance till death is paid for injury to an idler*. One-seventh of sick-maintenance and a proportion equal to one-seventh of half 'dire'-fine of the wound, *are paid* for a profitable worker more than for an idler; but on condition that it is in sick-maintenance the increase takes place. Four-sevenths of compensation *are paid for injury to* either of them, after death, whether for a profitable worker or for an idler.

*Of these four-sevenths which you have, three-sevenths are paid in lieu of 'dire'-fine, and one-seventh in lieu of compensation, for injury to an idler who did of his own free will, or for an idler who did it not of his own will, or for a profitable worker who was killed in the case.*

If it was an idler, *and of his own will*, one-seventh of 'dire'-fine is to be remitted\* on account of his will to play <sup>a Ir. To full</sup> the game; one-seventh of 'dire'-fine, and one-seventh of <sup>to the ground.</sup> compensation are *to be paid* by the man who actually inflicted the injury with his own hand;<sup>b</sup> *and* one-seventh of <sup>b Ir. Hand-</sup> 'dire'-fine upon the middle game party. <sub>man.</sub>

The third of the share of every man who could have prevented *the injury* is to be upon the looker-on, except *that* of the share of the actual inflicter of the injury with his own hand.<sup>b</sup>

**Appendix** — **Maŕ erba[ċ]** vo nap bo tol, no torba[ċ] vo maŕbaċ aro, reċmato co leċ vo vire, ocuŕ reċmato naichina ŕor ŕer laime.

Seċmato co leċ vo vire ŕor luċ mevon in clunche; tŕian cota caċ ŕir co tieŕaċ a toimeŕe ŕor ŕellaċ, cennoċa eut ŕir laime. Oċ nċ voib ŕoġal vo vire na ŕobbaċ eib iĕŕat ina ŕuolŕ clunche.

**Stc.** Oċ cuŕuma ŕo iĕŕat ina ŕianclunche o ċianab iŕ nċ voib aichina ina ŕobbaċ, ġuŕab eib iĕŕat ina ŕuolŕ clunche innoŕa, iŕ nċ voib ŕoġal vo vire ina ŕobbaċ. No, vono ċena, co tieŕat vo ŕuolŕ clunche ŕor a ŕian clunche iŕo, ocuŕ comaċ ŕian clunche voib caċ clunche.

*Pages 276-277.*

On this subject O'D. 694, has the following in addition.

**C. 722** **Deiċbir** iŕ in ŕlan ŕaille ocuŕ in ŕlan naiċne. Iŕeċ iŕ ŕlan ŕaille ann a ŕaċa vo; aġ ŕo ŕoŕt, aŕ ŕe, eib ŕaill vo nĕŕ in na ŕetaib ġin a naġŕa oŕam. Iŕeċ iŕ ŕlan naiċne ann, tŕebaŕe vo ġabal [vo ŕir in tieġ] ŕe ŕir voingne no eovaingne in tieġe.

Maċ oin vŕer ŕine ġin ŕonaiċm a taiŕic, ocuŕ ŕoiche vĕ via taŕŕaċtain, iŕ oġŕlan; via mbe ŕonaiċm, iŕ leċ aiċġin.

Maċ oin vŕer ainiŕne ġin ŕonaiċm, ocuŕ ŕoiche ve via taŕŕaċtain, iŕ leċ aiċġin; via mbe ŕonaiċm, iŕ aichina ġin ŕir ŕoiche ve annŕo vo ċeċtaŕ ve.



If it was an idler who did not act of his own will, or a profitable worker, that was killed in the case, one-seventh and one-half 'dire'-fine, with one-seventh of compensation, are *imposed* upon the actual inflicter of the injury with his own hand.<sup>\*</sup>

\*Ir. Hand-man.

One-seventh and one-half of 'dire'-fine are *imposed* upon the middle game party; one third of the share of each man who could have prevented the injury is *imposed* upon the looker-on, except the share of the man who has inflicted the injury with his own hand. After they have paid the 'dire'-fine for their assaults, they pay for their legitimate game.

The amount which they would pay for their fair game just mentioned, after their payment of compensation for their assault, is what they shall pay for their legitimate game now, after their payment of a division of 'dire'-fine for their assault. Or else, *according to others*, they would come from their legitimate cause to their fair game, and every game is a fair game to them.

There is a difference between the exemption from *finer* for neglect, and the exemption *on account* of charge. Exemption from *finer* for neglect means his saying—"Here is on thee," says he; "whatever neglect is committed with respect to the 'seds' is not to be claimed from me." Exemption *on account* of charge means, that the man of the house takes security as to knowledge, *on the part of the depositor*, of the safe or unsafe state of the house.

If a loan be given to a 'fine'-man without a bond to return it, and if the act of God overtakes it, there is perfect exemption for it; if there be a bond it is a *case of* half compensation.

If it be a loan to an 'anfine'-man without a bond, and if the act of God overtakes it, it is a *case of* half compensation; if there be a bond, it is a *case of* compensation when in this instance neither of them knows of the act of God.

**Appendix.** Maro oin tpep fine gin ponatom co fir poiche von fer  
 norbeir, ir let ategin far; via mbe tpebanne co fir  
 poiche, ir ategin far; aua fir ir ogplan.

*Pages 292-293.*

O'D. 2010, has the following on the same subject.

Cia por anao plan rin tpeptain? .1. por in fer ocur por  
 in mna, ocur por muinntir in fir, ocur por muinntir na  
 mna, ocur por a pcutib, muna tapruar iat fein, ocur por  
 cae aen ar a poichinn cin inbleogann vacera. Ocur noa  
 tapruar iat fein ann rin, ocur va tapruar, no bur lan a  
 cneirbe cin pcutitioi oic ne hinbleogann.

Den rirg rin gur na fuil ralectu fer ne fear fein;  
 ocur ga fuil ralectu fer ne fir eile. Ocur damao ben  
 aca mbiaf ralectu fer ne fir pen, ocur ac na fuil ne  
 fear aile, ga no ir plan oi ruar in mir irplan iarr an  
 mir.

*Pages 294-295.*

O'D. 2011, adds the following on the subject of horses in  
 horse-fights.

Ir plan luim do na echuib in tpep echua do niat riat  
 itir na hechu etarru bodoin; ocur muca etarru bodoin a  
 comait[ir]n a da riatat ar aen cae; ocur ir plan doib a  
 rogla comaitcera uile ne fer ocur ne harbur ocur ne  
 harleab, ocur ne harbeab, cein beir mepact a latha  
 ocur a nechmarra orra; ocur o pachur oib, ir meich, no  
 riac duinicaithi orra.

If it be a loan to a 'fine'-man without a bond, the man APPENDIX.  
 who takes it (*the loan*) having knowledge of the act of God,  
 it is half compensation *that is imposed* upon him. If there  
 be security, with knowledge of the act of God, it is compen-  
 sation *that is imposed* upon him; if both had knowledge<sup>a</sup> of <sup>Ir. The</sup>  
*the act of God*, it is a case of complete exemption. <sup>knowledge</sup>  
<sup>of both.</sup>

On whom is it safe for her to inflict this? That is, upon  
 the man and upon the woman, and upon the people of the  
 man, and upon the people of the woman, and upon their  
 movables, if they themselves have not been taken, and upon  
 everyone on whom the liability of a kinsman comes to be  
 sued. And they themselves are not then taken; and if they  
 be taken, the full fine for his wound without retaliation is  
 to be paid to the kinsman.

This is a decayed woman who has no expectation of co-  
 habiting with her own husband, but who has expectation  
 of cohabiting with another man. And if she be a woman  
 who has expectation of cohabiting with her own husband,  
 and has no expectation of cohabiting with another man, for  
 whatever she is exempt from liability before the month, she  
 is exempt after the month.

I deem the horses exempt in the horse-battles which they  
 make between the horses, between themselves; and pigs  
*similarly*, between themselves, with the consent of both  
 their owners, on the same way; and they are exempt as  
 regards neighbour trespasses committed upon grass and corn  
 and stakes and palisades, while they are under the excite-  
 ment of desire for the horse or the boar respectively; and  
 when it (*the excitement*) leaves them, it (*the penalty*) is sacks,  
 or the fine for man-trespass.

## APPENDIX.

*Pages 296-297.*

O'D. 2011, 2012, adds as follows on the subject of a cat in a kitchen.

Ír plán don cat in biað po ghabaíó ré í in chaisle do chaitem, aét napuð tpe vainingen tiðe no leictuip do bépa he; plan dórum é, ocur aétgin ón tí vap hepbab é a coimét; no, írlán po aicneð a failli. Mar a vainingen tiðe no leictuip tucuptauip in catt in biað, ír biðbínchí do puagail i leé puipum; aétgin ina céet éinaio, leé fiaé la aétgin ina chinabó tanuipre, lán fiaé la haétgin írin tpeí ainaíó. No ír plán don chat foðail ppip na heipneéca in oioéi, inoeébir inuippo maé illó.

Cat comatéeé pin, ocur dámao he cat na cuile booein, ció a hinao vainingen; ció a hinao évainingen do bépaó, pob épic po biðbínchí ír in biaó, uapir ír píp po hepbab comét na cuile.



The cat is exempt *from liability* for eating the food which it finds in the kitchen, so that it is not through the fastness of a house or of a vessel it brings it (*the food*); it (*the cat*) is exempt *from liability*, but compensation *is due* from the person who was ordered to mind it; or, *according to others*, he is exempt *or not* according to the nature of his neglect. If it was from the fastness of a house the cat brought the food, wickedness is the rule with respect to it (*the cat*); compensation for its first crime, half-fine for its second crime, full fine with compensation for its third crime. Or, *according to others*, the cat is exempt *from liability* in committing trespass against pet animals in the night, but it is unlawful *to trespass against them* in the day.

This is *in the case of* a neighbour cat, but if it be *in the case of* the kitchen itself whether it took it (*the food*) from a fastened place or a place not fastened, it (*the cat*) shall pay for it (*the trespass*) according to its wickedness, for the guarding of the kitchen had been entrusted to it.



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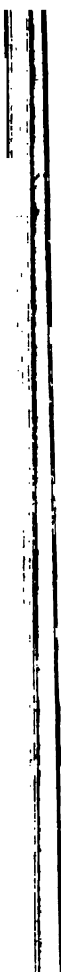
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